

AMENDED IN SENATE AUGUST 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2911

Introduced by Committee on Elections and Redistricting

March 15, 2016

An act to amend Sections 303.5, 2052, 2053, 2155.3, 2157.2, 2223, 2224, 2300, 3007, 3019.5, 3021.5, 3022, 3023, 4101, 9050, 9054, 9067, 9068, 9069, 9081, 9082, 9082.5, 9082.7, 9083, 9083.5, 9084, 9085, 9086, 9087, 9088, 9089, 9090, 9092, 9093, 9094, 9094.5, 9095, 9096, 9160, 9162, 9163, 9280, 9282, 9285, 9286, 9312, 9313, 9314, 9315, 9316, 9402, 9501, 10531, 11324, 11325, 11327, 13118, 13244, 13263, 13300, 13300.5, 13300.7, 13302, 13303, 13305, 13306, 13307, 13307.5, 13312, 13314, 13315, 13316, 13317, 14219, 18301, 18390, 19202, 19321, 19323, and 20009 of, to amend the heading of Article 7 (commencing with Section 9080) of Chapter 1 of Division 9 of, and to amend the heading of Chapter 4 (commencing with Section 13300) of Division 13 of, the Elections Code, relating to voting.

LEGISLATIVE COUNSEL'S DIGEST

AB 2911, as amended, Committee on Elections and Redistricting. Voting: voter information guides.

Under existing law, numerous provisions related to voting refer to ballot pamphlets, state ballot pamphlets, voter pamphlets, statewide voter pamphlets, and sample ballots.

This bill would replace these terms with state voter information guide, county voter information guide, and voter information guide, as appropriate, and make necessary conforming changes. The bill would also make technical, nonsubstantive changes to these provisions.

Existing law prohibits a voting system from being used, and prohibits a jurisdiction from purchasing or contracting for a voting system, unless the voting system has received the approval of the Secretary of State. Existing law authorizes a vendor or county that has submitted a voting system for federal qualification before September 1, 2013, and has obtained federal qualification before January 1, 2015, to request approval from the Secretary of State based on the examination and review requirements in place before January 1, 2014.

This bill would remove the requirement that a voting system be submitted for federal qualification before September 1, 2013, and would change the date by which the voting system is required to receive federal qualification to April 28, 2016, in order for a vendor or county to request the Secretary of State to approve a voting system using the examination and review requirements in place before January 1, 2014.

This bill would incorporate additional changes to Section 3019.5 of the Elections Code, proposed by AB 2089, that would become operative only if this bill and AB 2089 are both chaptered and this bill is chaptered last.

This bill would incorporate additional changes to Sections 13307 and 13312 of the Elections Code, proposed by AB 2010, that would become operative only if this bill and AB 2010 are both chaptered and this bill is chaptered last.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 303.5 of the Elections Code is amended
2 to read:
3 303.5. (a) “Ballot title” is the name of a statewide measure
4 included in the ballot label and the ballot title and summary.
5 (b) “Ballot title and summary” means the summary of the chief
6 purpose and points including the fiscal impact summary of any
7 measure that appears in the state voter information guide. The
8 ballot title and summary shall include a statement of the measure’s
9 fiscal impact. The ballot title and summary shall not exceed 100
10 words, not including the fiscal impact statement.
11 (c) (1) “Circulating title and summary” means the text that is
12 required to be placed on a petition for signatures that is either one
13 of the following:

1 (A) The summary of the chief purpose and points of a proposed
2 initiative measure that affects the Constitution or laws of the state,
3 and the fiscal impact of the proposed initiative measure.

4 (B) The summary of the chief purpose and points of a
5 referendum measure that affects a law or laws of the state.

6 (2) The circulating title and summary shall not exceed 100
7 words, not including the fiscal impact summary.

8 SEC. 2. Section 2052 of the Elections Code is amended to read:

9 2052. It is the intent of the Legislature to promote the
10 fundamental right to vote of visually impaired individuals, and to
11 make efforts to improve public awareness of the availability of
12 state voter information guide audio recordings and improve their
13 delivery to these voters.

14 SEC. 3. Section 2053 of the Elections Code is amended to read:

15 2053. The Secretary of State shall establish a Voting
16 Accessibility Advisory Committee. The Secretary of State shall
17 consult with the committee and consider the committee's
18 recommendations related to improving the accessibility of elections
19 for voters with disabilities. The Secretary of State may implement
20 the committee's recommendations as he or she deems appropriate.

21 (a) The committee shall consist of the Secretary of State, his or
22 her designees, and additional members appointed by the Secretary
23 of State. The appointees shall have demonstrated experience with
24 accessibility requirements for voters with disabilities or be a county
25 elections official.

26 (b) The committee shall serve in an advisory capacity to the
27 Secretary of State and shall do all of the following:

28 (1) Establish guidelines for reaching as many voters with
29 disabilities as practical.

30 (2) Make recommendations for improving the availability and
31 accessibility of election materials, including, but not limited to,
32 state voter information guides, county voter information guides,
33 and vote-by-mail ballots, and their delivery in print or alternative
34 formats to voters with disabilities.

35 (3) Increase the distribution of public service announcements
36 identifying the availability of election materials for voters with
37 disabilities at least 45 days before any federal, state, and local
38 election.

39 (4) Make recommendations for improving the accessibility of
40 election materials made available on Internet Web sites that are in

1 compliance with the most current, ratified standards under Section
2 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec.
3 794d), as amended, and the Web Content Accessibility Guidelines
4 2.0 adopted by the World Wide Web Consortium for accessibility.

5 (5) Promote the Secretary of State's toll-free voter registration
6 telephone line for citizens needing voter registration information,
7 including information for individuals with disabilities, and the
8 California State Library and regional library services for individuals
9 who are unable to read conventional print due to a visual,
10 intellectual, learning, physical, or any other disability.

11 (6) Make recommendations for providing voters with disabilities
12 the same access and participation as is provided to other voters
13 who are not disabled, including the ability to vote privately and
14 independently.

15 (7) Establish subcommittees to further the scope and purposes
16 of the committee as they relate to improving voter services and
17 access for individuals with disabilities, including, but not limited
18 to, visually impaired voters and deaf or hard of hearing voters.

19 (8) Promote the use of plain language and alternative formats
20 for election materials.

21 (9) Make recommendations for materials to train poll workers
22 on issues related to serving voters with disabilities and providing
23 accessible voting locations.

24 (c) A member shall not receive compensation, but each member
25 shall be reimbursed for his or her reasonable and necessary
26 expenses in connection with service on the committee.

27 SEC. 4. Section 2155.3 of the Elections Code, as added by
28 Section 4 of Chapter 619 of the Statutes of 2014, is amended to
29 read:

30 2155.3. (a) In lieu of the voter notification required by Section
31 2155, a person under 18 years of age who submits an affidavit of
32 registration pursuant to Section 2101 or subdivision (d) of Section
33 2102, as amended by Chapter 619 of the Statutes of 2014, shall
34 be sent a voter preregistration notice upon a determination that the
35 affidavit of registration is properly executed and that the person
36 otherwise satisfies all eligibility requirements to vote, except that
37 he or she is under 18 years of age. The county elections official
38 shall send the voter preregistration notice by nonforwardable,
39 first-class mail, address correction requested.

1 (b) The voter preregistration notice required by subdivision (a)
2 shall be substantially in the following form:

3
4 VOTER PREREGISTRATION NOTICE
5

6 Thank you for registering to vote. You may vote in any election
7 held on or after your 18th birthday.

8 Your party preference is: (Name of political party)

9 Before any election in which you are eligible to vote, you will
10 receive a state voter information guide and county voter
11 information guide by mail.

12 If the information on this card is incorrect, please contact our
13 office or update your registration at the Internet Web site of the
14 Secretary of State.

15
16 SEC. 5. Section 2155.3 of the Elections Code, as amended by
17 Section 29 of Chapter 728 of the Statutes of 2015, is amended to
18 read:

19 2155.3. (a) In lieu of the voter notification required by Section
20 2155, a person under 18 years of age who submits an affidavit of
21 registration pursuant to Section 2101 or subdivision (d) of Section
22 2102, as amended by Chapter 619 of the Statutes of 2014, shall
23 be sent a voter preregistration notice upon a determination that the
24 affidavit of registration is properly executed and that the person
25 otherwise satisfies all eligibility requirements to vote, except that
26 he or she is under 18 years of age. The county elections official
27 shall send the voter preregistration notice by nonforwardable,
28 first-class mail, address correction requested.

29 (b) The voter preregistration notice required by subdivision (a)
30 shall be substantially in the following form:

31
32 VOTER PREREGISTRATION NOTICE
33

34 Thank you for preregistering to vote. You may vote in any
35 election held on or after your 18th birthday.

36 Your party preference is: (Name of political party)

37 Before any election in which you are eligible to vote, you will
38 receive a state voter information guide and county voter
39 information guide by mail.

1 If the information on this card is incorrect, please contact our
2 office or update your preregistration at the Internet Web site of
3 the Secretary of State.

4
5 SEC. 6. Section 2157.2 of the Elections Code is amended to
6 read:

7 2157.2. In order that a voter be fully informed of the
8 permissible uses of personal information supplied by him or her
9 for the purpose of completing a voter registration affidavit, local
10 elections officials shall post on any local elections official's
11 Internet Web site relating to voter information, and the Secretary
12 of State shall print in the state voter information guide and post
13 on his or her Internet Web site, a statement identical or substantially
14 similar to the following:

15 "Information on your voter registration affidavit will be used by
16 elections officials to send you official information on the voting
17 process, such as the location of your polling place and the issues
18 and candidates that will appear on the ballot. Commercial use of
19 voter registration information is prohibited by law and is a
20 misdemeanor. Voter information may be provided to a candidate
21 for office, a ballot measure committee, or other persons for election,
22 scholarly, journalistic, political, or governmental purposes, as
23 determined by the Secretary of State. Driver's license and social
24 security numbers, or your signature as shown on your voter
25 registration card, cannot be released for these purposes. If you
26 have any questions about the use of voter information or wish to
27 report suspected misuse of such information, please call the
28 Secretary of State's Voter Protection and Assistance Hotline.

29 "Certain voters facing life-threatening situations may qualify
30 for confidential voter status. For more information, please contact
31 the Secretary of State's Safe At Home program or visit the
32 Secretary of State's *Internet* Web site."

33 SEC. 7. Section 2223 of the Elections Code is amended to read:

34 2223. (a) In lieu of mailing a residency confirmation postcard
35 to each registered voter in the county, the county elections official
36 may include the return address of the county elections official's
37 office on the outside portion of the county voter information guide
38 or county voter information guide envelope mailed to the voter
39 for an election conducted within the last six months preceding the
40 start of the confirmation process, along with the statements

1 “Address Correction Requested” and “Notice: If the person named
2 on the county voter information guide is not at the address, please
3 help keep the voter rolls current and save taxpayer dollars by
4 returning this county voter information guide to your mail carrier.”

5 (b) A voter not eligible for an election during the last six months
6 preceding the start of the confirmation process, or a voter not
7 mailed a county voter information guide with an address correction
8 requested, shall have his or her address confirmed by either a
9 residency confirmation postcard or an address verification mailing
10 conducted pursuant to this article using NCOA/Operation Mail
11 data pursuant to Section 2222 or consumer credit reporting agency
12 data pursuant to Section 2227.

13 SEC. 8. Section 2224 of the Elections Code, as amended by
14 Section 54 of Chapter 76 of the Statutes of 2013, is amended to
15 read:

16 2224. (a) If a voter has not voted in an election within the
17 preceding four years, and his or her residence address, name, or
18 party affiliation has not been updated during that time, the county
19 elections official may send an alternate residency confirmation
20 postcard. The use of this postcard may be sent subsequent to NCOA
21 or county voter information guide returns, but shall not be used in
22 the residency confirmation process conducted under Section 2220.
23 The postcard shall be forwardable, including a postage-paid and
24 preaddressed return form to enable the voter to verify or correct
25 the address information, and shall be in substantially the following
26 form:

27 “If the person named on the postcard is not at this address,
28 PLEASE help keep the voter rolls current and save taxpayer dollars
29 by returning this postcard to your mail carrier.”

30 “IMPORTANT NOTICE”

31 “According to our records you have not voted in any election
32 during the past four years, which may indicate that you no longer
33 reside in ____ County. If you continue to reside in this county you
34 must confirm your residency address in order to remain on the
35 active voter list and receive election materials in the mail.”

36 “If confirmation has not been received within 15 days, you may
37 be required to provide proof of your residence address in order to
38 vote at future elections. If you no longer live in ____ County, you
39 must reregister at your new residence address in order to vote in
40 the next election. California residents may obtain a mail registration

1 form by calling the county elections office or the Secretary of
2 State's office."

3 (b) The use of a toll-free number to confirm the old residence
4 address is optional. A change to a voter's address shall be received
5 in writing.

6 (c) A county using the alternate residency confirmation
7 procedure shall notify all voters of the procedure in the county
8 voter information guide or in a separate mailing.

9 SEC. 9. Section 2224 of the Elections Code, as amended by
10 Section 67 of Chapter 728 of the Statutes of 2015, is amended to
11 read:

12 2224. (a) If a voter has not voted in an election within the
13 preceding four years, and his or her residence address, name, or
14 party preference has not been updated during that time, the county
15 elections official may send an alternate residency confirmation
16 postcard. The use of this postcard may be sent subsequent to NCOA
17 or county voter information guide returns, but shall not be used in
18 the residency confirmation process conducted under Section 2220.
19 The postcard shall be forwardable, including a postage-paid and
20 preaddressed return form to enable the voter to verify or correct
21 the address information, and shall be in substantially the following
22 form:

23 "If the person named on the postcard is not at this address,
24 PLEASE help keep the voter rolls current and save taxpayer dollars
25 by returning this postcard to your mail carrier."

26 "IMPORTANT NOTICE"

27 "According to our records you have not voted in any election
28 during the past four years, which may indicate that you no longer
29 reside in ____ County. If you continue to reside in California you
30 must confirm your residency address in order to remain on the
31 active voter list and receive election materials in the mail."

32 "If confirmation has not been received within 15 days, you may
33 be required to provide proof of your residence address in order to
34 vote at future elections."

35 (b) The use of a toll-free number to confirm the old residence
36 address is optional. A change to a voter's address shall be received
37 in writing.

38 (c) A county using the alternate residency confirmation
39 procedure shall notify all voters of the procedure in the county
40 voter information guide or in a separate mailing.

1 SEC. 10. Section 2300 of the Elections Code is amended to
2 read:

3 2300. (a) All voters, pursuant to the California Constitution
4 and this code, shall be citizens of the United States. There shall
5 be a Voter Bill of Rights for voters, available to the public, which
6 shall convey all of the following to voters:

7 (1) (A) You have the right to cast a ballot if you are a valid
8 registered voter.

9 (B) A valid registered voter means a United States citizen who
10 is a resident in this state, who is at least 18 years of age and not in
11 prison or on parole for conviction of a felony, and who is registered
12 to vote at his or her current residence address.

13 (2) You have the right to cast a provisional ballot if your name
14 is not listed on the voting rolls.

15 (3) You have the right to cast a ballot if you are present and in
16 line at the polling place before the close of the polls.

17 (4) You have the right to cast a secret ballot free from
18 intimidation.

19 (5) (A) You have the right to receive a new ballot if, before
20 casting your ballot, you believe you made a mistake.

21 (B) If at any time before you finally cast your ballot, you feel
22 you have made a mistake, you have the right to exchange the
23 spoiled ballot for a new ballot. Vote by mail voters may also
24 request and receive a new ballot if they return their spoiled ballot
25 to an elections official before the closing of the polls on election
26 day.

27 (6) You have the right to receive assistance in casting your
28 ballot, if you are unable to vote without assistance.

29 (7) You have the right to return a completed vote by mail ballot
30 to any precinct in the county.

31 (8) You have the right to election materials in another language,
32 if there are sufficient residents in your precinct to warrant
33 production.

34 (9) (A) You have the right to ask questions about election
35 procedures and observe the election process.

36 (B) You have the right to ask questions of the precinct board
37 and elections officials regarding election procedures and to receive
38 an answer or be directed to the appropriate official for an answer.
39 However, if persistent questioning disrupts the execution of their

1 duties, the precinct board or ~~election~~ *elections* officials may
2 discontinue responding to questions.

3 (10) You have the right to report any illegal or fraudulent
4 activity to a local elections official or to the Secretary of State's
5 office.

6 (b) Beneath the Voter Bill of Rights there shall be listed a
7 toll-free telephone number to call if a person has been denied a
8 voting right or to report election fraud or misconduct.

9 (c) The Secretary of State may do both of the following:

10 (1) Develop regulations to implement and clarify the Voter Bill
11 of Rights set forth in subdivision (a).

12 (2) Revise the wording of the Voter Bill of Rights as necessary
13 to ensure the use of clear and concise language free from technical
14 terms.

15 (d) The Voter Bill of Rights set forth in subdivisions (a) and (b)
16 shall be made available to the public before each election and on
17 election day, at a minimum, as follows:

18 (1) The Voter Bill of Rights shall be printed in the state voter
19 information guide, pursuant to Section 9084, in a minimum of
20 12-point type. Subparagraph (B) of paragraph (1) of subdivision
21 (a), subparagraph (B) of paragraph (5) of subdivision (a), and
22 subparagraph (B) of paragraph (9) of subdivision (a) may be printed
23 in a smaller point type than the rest of the Voter Bill of Rights.

24 (2) Posters or other printed materials containing the Voter Bill
25 of Rights shall be included in precinct supplies pursuant to Section
26 14105.

27 SEC. 11. Section 3007 of the Elections Code is amended to
28 read:

29 3007. The Secretary of State shall prepare and distribute to
30 appropriate elections officials a uniform application format for a
31 vote by mail voter's ballot that conforms to this chapter. This
32 format shall be followed by all individuals, organizations, and
33 groups who distribute applications for a vote by mail voter's ballot.
34 The uniform format need not be used by elections officials in
35 preparing a vote by mail voter's ballot application to be included
36 with the county voter information guide.

37 SEC. 12. Section 3019.5 of the Elections Code is amended to
38 read:

39 3019.5. (a) A county elections official shall establish a free
40 access system that allows a vote by mail voter to learn if his or her

1 vote by mail ballot was counted and, if not, the reason why the
2 ballot was not counted. For each election, the elections official
3 shall make the free access system available to a vote by mail voter
4 upon completion of the official canvass and for 30 days after
5 completion of the official canvas.

6 (b) For purposes of establishing the free access system for vote
7 by mail ballots required by subdivision (a), a county elections
8 official may use the free access system for provisional ballots
9 established by the county pursuant to Section 302 of the federal
10 Help America Vote Act of 2002 (52 U.S.C. Sec. 21082).

11 (c) If a county elections official elects not to mail a county voter
12 information guide to a voter pursuant to Section 13305, the
13 elections official shall use any savings achieved to offset the costs
14 associated with establishing the free access system for vote by
15 mail ballots required by subdivision (a).

16 *SEC. 12.5. Section 3019.5 of the Elections Code is amended*
17 *to read:*

18 3019.5. (a) A county elections official shall establish a free
19 access system that allows a vote by mail voter to learn if his or her
20 vote by mail ballot was counted and, if not, the reason why the
21 ballot was not counted. For each election, the elections official
22 shall make the free access system available to a vote by mail voter
23 upon completion of the official canvass and for 30 days after
24 completion of the official canvas.

25 (b) For purposes of establishing the free access system for vote
26 by mail ballots required by subdivision (a), a county elections
27 official may use the free access system for provisional ballots
28 established by the county pursuant to Section 302 of the federal
29 Help America Vote Act of 2002 (52 U.S.C. Sec. 21082).

30 (c) If a county elections official elects not to mail a ~~sample ballot~~
31 *county voter information guide* to a voter pursuant to Section
32 13305, the elections official shall use any savings achieved to
33 offset the costs associated with establishing the free access system
34 for vote by mail ballots required by subdivision (a).

35 (d) *In addition to establishing a free access system pursuant to*
36 *subdivision (a), if a voter casts a vote by mail ballot, the county*
37 *elections official shall, within 30 days after completion of the*
38 *official canvass, notify the voter if his or her ballot was not*
39 *counted. The notification shall include the reason the ballot was*
40 *not counted.*

1 SEC. 13. Section 3021.5 of the Elections Code is amended to
2 read:

3 3021.5. (a) Upon the declaration of an out-of-state emergency
4 by the Governor and the issuance of an executive order authorizing
5 an out-of-state emergency worker to cast a ballot outside of his or
6 her home precinct, a county elections official shall, upon request
7 of an out-of-state emergency worker pursuant to this chapter, issue
8 a vote by mail ballot to the out-of-state emergency worker using
9 a process to be determined by that elections official. The process
10 shall include all of the following:

11 (1) Authorization for an out-of-state emergency worker to
12 request a vote by mail ballot after the close of the vote by mail
13 ballot application period specified in Section 3001.

14 (2) Authorization for a vote by mail ballot and accompanying
15 voting materials to be sent to an out-of-state emergency worker
16 by mail, facsimile transmission, or electronic transmission, as
17 requested by the out-of-state emergency worker. An elections
18 official may use reasonable facsimiles of the county voter
19 information guides sent to voters as vote by mail ballots.

20 (3) A requirement that an out-of-state emergency worker mark
21 the vote by mail ballot provided to him or her, place it in the vote
22 by mail ballot identification envelope, and return the vote by mail
23 ballot to the elections official from whom it was obtained. If no
24 identification envelope is provided, the envelope used to return
25 the vote by mail ballot to the elections official shall include the
26 information required by subdivision (a) of Section 3011 and a
27 statement signed under penalty of perjury that the voter is an
28 out-of-state emergency worker.

29 (b) In order to be counted, a vote by mail ballot cast pursuant
30 to this section shall be received in compliance with Section 3020.

31 (c) An elections official shall receive and canvass vote by mail
32 ballots cast pursuant to this section by the same procedure as for
33 all other vote by mail ballots cast pursuant to this chapter.

34 SEC. 14. Section 3022 of the Elections Code is amended to
35 read:

36 3022. The elections official shall include with the county voter
37 information guide an application for a vote by mail ballot.

38 SEC. 15. Section 3023 of the Elections Code is amended to
39 read:

1 3023. Each ballot that is delivered pursuant to this chapter shall
2 be accompanied by a state voter information guide, unless the voter
3 has already been provided a state voter information guide.

4 SEC. 16. Section 4101 of the Elections Code is amended to
5 read:

6 4101. Notwithstanding Sections 13300 and 13303, the elections
7 official shall not commence to mail the combined county voter
8 information guide and mail ballot before the 29th day before the
9 election and shall complete the mailing by the 10th day before the
10 election.

11 SEC. 17. Section 9050 of the Elections Code is amended to
12 read:

13 9050. After the Secretary of State determines that a measure
14 will appear on the ballot at the next statewide election, the
15 Secretary of State shall promptly transmit a copy of the measure
16 to the Attorney General. The Attorney General shall provide and
17 return to the Secretary of State a ballot title and summary and
18 ballot label for each measure submitted to the voters of the whole
19 state by a date sufficient to meet the state voter information guide
20 public display deadlines.

21 SEC. 18. Section 9054 of the Elections Code is amended to
22 read:

23 9054. (a) Whenever a city, county, or city and county is
24 required by Section 203 (52 U.S.C. Sec. 10503) or Section 4(f)(4)
25 (52 U.S.C. Sec. 10303(f)(4)) of the federal Voting Rights Act of
26 1965 to provide a translation of ballot materials in a language other
27 than English, the Secretary of State shall provide a translation of
28 the ballot title and summary prepared pursuant to Sections 9050
29 and 9051 and of the ballot label prepared pursuant to Section 13247
30 in that language to the city, county, or city and county for each
31 state measure submitted to the voters in a statewide election not
32 later than 68 days before that election.

33 (b) When preparing a translation in a language other than
34 English pursuant to subdivision (a), the Secretary of State shall
35 consult with an advisory body consisting of language experts and
36 nonpartisan organizations that advocate on behalf of, or provide
37 services to, individuals that speak that language.

38 (c) All translations prepared pursuant to this section shall be
39 made available for public examination in the same time and manner
40 as the state voter information guide is made available for public

1 examination in accordance with Section 88006 of the Government
2 Code and Section 9092 of this code.

3 (d) The local elections official shall use that translation of the
4 ballot label on the state voter information guide and the official
5 ballot and may not select or contract with another person to provide
6 translations of the same text.

7 SEC. 19. Section 9067 of the Elections Code is amended to
8 read:

9 9067. If more than one argument for, or more than one
10 argument against, a measure is filed within the time prescribed,
11 the Secretary of State shall select one of the arguments for printing
12 in the county voter information guides. In selecting the argument
13 the Secretary of State shall give preference and priority in the order
14 named to the arguments of the following:

15 (a) In the case of a measure submitted by the Legislature,
16 Members of the Legislature.

17 (b) In the case of an initiative or referendum measure, the
18 proponent of the measure.

19 (c) Bona fide associations of citizens.

20 (d) Individual voters.

21 SEC. 20. Section 9068 of the Elections Code is amended to
22 read:

23 9068. (a) No more than three signatures shall appear with an
24 argument printed in the state voter information guide. In case an
25 argument is signed by more than three persons the signatures of
26 the first three shall be printed.

27 (b) The Secretary of State shall provide, upon request, the name
28 of, and a telephone number for, each signer of a ballot argument
29 printed in the state voter information guide.

30 SEC. 21. Section 9069 of the Elections Code is amended to
31 read:

32 9069. When the Secretary of State has received the arguments
33 that will be printed in the state voter information guide, the
34 Secretary of State, within five days of receipt of the arguments,
35 shall send copies of the arguments in favor of the proposition to
36 the authors of the arguments against and copies of the arguments
37 against to the authors of the arguments in favor. The authors may
38 prepare and submit rebuttal arguments not exceeding 250 words,
39 or may authorize in writing another person or persons to prepare,
40 submit, or sign the rebuttal argument. The rebuttal arguments shall

1 be filed with the Secretary of State no later than a date to be
2 designated by the Secretary of State.

3 Rebuttal arguments shall be printed in the same manner as the
4 direct arguments. Each rebuttal argument shall immediately follow
5 the direct argument that it seeks to rebut.

6 SEC. 22. The heading of Article 7 (commencing with Section
7 9080) of Chapter 1 of Division 9 of the Elections Code is amended
8 to read:

9
10 Article 7. State Voter Information Guide
11

12 SEC. 23. Section 9081 of the Elections Code is amended to
13 read:

14 9081. There shall be a state voter information guide, that the
15 Secretary of State shall prepare.

16 SEC. 24. Section 9082 of the Elections Code is amended to
17 read:

18 9082. The Secretary of State shall cause to be printed as many
19 state voter information guides as needed to comply with this code.

20 The state voter information guides shall be printed in the Office
21 of State Printing unless the Director of General Services determines
22 that the printing of the guides in the Office of State Printing cannot
23 be done adequately, competently, or satisfactorily, in which case
24 the Secretary of State, subject to the approval of the Director of
25 General Services, shall contract with a private printing concern
26 for the printing of all or a part of the guides.

27 Copy for preparation of the state voter information guides shall
28 be furnished to the Office of State Printing at least 40 days before
29 the date for required delivery to the elections officials as provided
30 in Section 9094.

31 SEC. 25. Section 9082.5 of the Elections Code is amended to
32 read:

33 9082.5. The Secretary of State shall cause to be produced an
34 audio recorded version of the state voter information guide. This
35 audio recorded version shall be made available in quantities to be
36 determined by the Secretary of State and shall contain an impartial
37 summary, arguments for and against, rebuttal arguments, and other
38 information concerning each measure that the Secretary of State
39 determines will make the audio recorded version of the state voter

1 information guide easier to understand or more useful to the
2 average voter.

3 SEC. 26. Section 9082.7 of the Elections Code is amended to
4 read:

5 9082.7. (a) The Secretary of State shall make available the
6 complete state voter information guide over the Internet. The online
7 version of the state voter information guide shall contain all of the
8 following:

9 (1) For each candidate listed in the guide, a means to access
10 campaign contribution disclosure reports for the candidate that are
11 available online.

12 (2) For each state ballot measure listed in the guide, a means to
13 access the consolidated information specified in subdivision (b).

14 (b) The Secretary of State shall create an Internet Web site, or
15 use other available technology, to consolidate information about
16 each state ballot measure in a manner that is easy for voters to
17 access and understand. The information shall include all of the
18 following:

19 (1) A summary of the ballot measure's content.

20 (2) The total amount of reported contributions made in support
21 of and opposition to the ballot measure, calculated and updated as
22 follows:

23 (A) (i) The total amount of contributions in support of the ballot
24 measure shall be calculated by adding together the total amounts
25 of contributions made in support of the ballot measure and reported
26 in semiannual statements required by Section 84200 of the
27 Government Code, preelection statements required by Section
28 84200.5 of the Government Code, campaign statements required
29 by Section 84202.3 of the Government Code, and late contribution
30 reports required by Section 84203 of the Government Code that
31 are reported within 16 days of the election at which the measure
32 will appear on the ballot.

33 (ii) The total amount of contributions in opposition to the ballot
34 measure shall be calculated by adding together the total amounts
35 of contributions made in opposition to the ballot measure and
36 reported in semiannual statements required by Section 84200 of
37 the Government Code, preelection statements required by Section
38 84200.5 of the Government Code, campaign statements required
39 by Section 84202.3 of the Government Code, and late contribution
40 reports required by Section 84203 of the Government Code that

1 are reported within 16 days of the election at which the measure
2 will appear on the ballot.

3 (iii) For purposes of determining the total amount of reported
4 contributions pursuant to this subparagraph, the Secretary of State
5 shall, to the extent practicable with respect to committees primarily
6 formed to support or oppose a ballot measure, do both of the
7 following:

8 (I) Ensure that transfers of funds between primarily formed
9 committees are not counted twice.

10 (II) Treat a contribution made to a primarily formed committee
11 that supports or opposes more than one state ballot measure as if
12 the total amount of that contribution was made for each state ballot
13 measure that the committee supports or opposes.

14 (B) The total amount of reported contributions calculated under
15 this paragraph for each state ballot measure shall be updated not
16 later than five business days after receipt of a semiannual statement,
17 campaign statement, or preelection statement and not later than
18 two business days after receipt of a late contribution report within
19 16 days of the election at which the measure will appear on the
20 ballot.

21 (C) The total amount of reported contributions calculated under
22 this paragraph for each state ballot measure shall be accompanied
23 by an explanation that the contribution totals may be overstated
24 due to the inclusion of contributions made to committees
25 supporting or opposing more than one state ballot measure, as
26 required by subclause (II) of clause (iii) of subparagraph (A).

27 (3) A current list of the top 10 contributors supporting and
28 opposing the ballot measure, if compiled by the Fair Political
29 Practices Commission pursuant to subdivision (e) of Section 84223
30 of the Government Code.

31 (4) (A) A list of each committee primarily formed to support
32 or oppose the ballot measure, as described in Section 82047.5 of
33 the Government Code, and a means to access information about
34 the sources of contributions reported for each committee.

35 (B) Information about the sources of contributions shall be
36 updated as new information becomes available to the public
37 pursuant to the Political Reform Act of 1974 (Title 9 (commencing
38 with Section 81000) of the Government Code).

39 (C) If a committee identified in subparagraph (A) receives one
40 million dollars (\$1,000,000) or more in contributions for an

1 election, the Secretary of State shall provide a means to access
2 online information about the committee's top 10 contributors
3 reported to the Fair Political Practices Commission pursuant to
4 subdivision (a) of Section 84223 of the Government Code.

5 (D) Notwithstanding paragraph (1) of subdivision (c) of Section
6 84223 of the Government Code, the Fair Political Practices
7 Commission shall automatically provide any list of top 10
8 contributors created pursuant to Section 84223 of the Government
9 Code, and any subsequent updates to that list, to the Secretary of
10 State for purposes of compliance with this section.

11 (5) Any other information deemed relevant by the Secretary of
12 State.

13 (c) Information made available over the Internet pursuant to
14 this section shall meet or exceed the most current, ratified standards
15 under Section 508 of the federal Rehabilitation Act of 1973 (29
16 U.S.C. Sec. 794d), as amended, and the Web Content Accessibility
17 Guidelines 2.0 adopted by the World Wide Web Consortium for
18 accessibility. The Secretary of State may also implement
19 recommendations of the Voting Accessibility Advisory Committee
20 made pursuant to paragraph (4) of subdivision (b) of Section 2053.

21 SEC. 27. Section 9083 of the Elections Code is amended to
22 read:

23 9083. If the ballot contains a question as to the confirmation
24 of a justice of the Supreme Court or a court of appeal, the Secretary
25 of State shall include in the state voter information guide a written
26 explanation of the electoral procedure for justices of the Supreme
27 Court and the courts of appeal. The explanation shall state the
28 following:

29 "Under the California Constitution, justices of the Supreme Court
30 and the courts of appeal are subject to confirmation by the voters.
31 The public votes "yes" or "no" on whether to retain each justice.

32 "These judicial offices are nonpartisan.

33 "Before a person can become an appellate justice, the Governor
34 must submit the candidate's name to the Judicial Nominees
35 Evaluation Commission, which is comprised of public members
36 and lawyers. The commission conducts a thorough review of the
37 candidate's background and qualifications, with community input,
38 and then forwards its evaluation of the candidate to the Governor.

39 "The Governor then reviews the commission's evaluation and
40 officially nominates the candidate, whose qualifications are subject

1 to public comment before examination and review by the
2 Commission on Judicial Appointments. That commission consists
3 of the Chief Justice of California, the Attorney General of
4 California, and a senior Presiding Justice of the Courts of Appeal.
5 The Commission on Judicial Appointments must then confirm or
6 reject the nomination. Only if confirmed does the nominee become
7 a justice.

8 “Following confirmation, the justice is sworn into office and is
9 subject to voter approval at the next gubernatorial election, and
10 thereafter at the conclusion of each term. The term prescribed by
11 the California Constitution for justices of the Supreme Court and
12 courts of appeal is 12 years. Justices are confirmed by the
13 Commission on Judicial Appointments only until the next
14 gubernatorial election, at which time they run for retention of the
15 remainder of the term, if any, of their predecessor, which will be
16 either four or eight years.”

17 SEC. 28. Section 9083.5 of the Elections Code is amended to
18 read:

19 9083.5. (a) If a candidate for nomination or election to a
20 partisan office will appear on the ballot, the Secretary of State shall
21 include in the state voter information guide a written explanation
22 of the election procedure for such offices. The explanation shall
23 read substantially similar to the following:
24

25 PARTY-NOMINATED/PARTISAN OFFICES

26 Under the California Constitution, political parties may formally
27 nominate candidates for party-nominated/partisan offices at the
28 primary election. A candidate so nominated will then represent
29 that party as its official candidate for the office in question at the
30 ensuing general election and the ballot will reflect an official
31 designation to that effect. The top votegetter for each party at the
32 primary election is entitled to participate in the general election.
33 Parties also elect officers of official party committees at a partisan
34 primary.

35 No voter may vote in the primary election of any political party
36 other than the party he or she has disclosed a preference for upon
37 registering to vote. However, a political party may authorize a
38 person who has declined to disclose a party preference to vote in
39 that party’s primary election.
40

1 (b) If any candidate for nomination or election to a
2 voter-nominated office will appear on the ballot, the Secretary of
3 State shall include in the state voter information guide a written
4 explanation of the election procedure for such offices. The
5 explanation shall read substantially similar to the following:

6
7 **VOTER-NOMINATED OFFICES**

8 Under the California Constitution, political parties are not entitled
9 to formally nominate candidates for voter-nominated offices at the
10 primary election. A candidate nominated for a voter-nominated
11 office at the primary election is the nominee of the people and not
12 the official nominee of any party at the following general election.
13 A candidate for nomination or election to a voter-nominated office
14 shall have his or her party preference, or lack of party preference,
15 reflected on the primary and general election ballot, but the party
16 preference designation is selected solely by the candidate and is
17 shown for the information of the voters only. It does not constitute
18 or imply an endorsement of the candidate by the party designated,
19 or affiliation between the party and candidate, and no candidate
20 nominated by the qualified voters for any voter-nominated office
21 shall be deemed to be the officially nominated candidate of any
22 political party. The parties may list the candidates for
23 voter-nominated offices who have received the official endorsement
24 of the party in the county voter information guide.

25 All voters may vote for any candidate for a voter-nominated
26 office, provided they meet the other qualifications required to vote
27 for that office. The top two votegetters at the primary election
28 advance to the general election for the voter-nominated office,
29 even if both candidates have specified the same party preference
30 designation. A party is not entitled to have a candidate with its
31 party preference designation participate in the general election
32 unless such candidate is one of the two highest votegetters at the
33 primary election.

34
35 (c) If any candidate for nomination or election to a nonpartisan
36 office, other than judicial office, shall appear on the ballot, the
37 Secretary of State shall include in the state voter information guide
38 a written explanation of the election procedure for such offices.
39 The explanation shall read substantially similar to the following:

1 NONPARTISAN OFFICES

2 Under the California Constitution, political parties are not entitled
3 to nominate candidates for nonpartisan offices at the primary
4 election, and a candidate nominated for a nonpartisan office at the
5 primary election is not the official nominee of any party for the
6 office in question at the ensuing general election. A candidate for
7 nomination or election to a nonpartisan office may NOT designate
8 his or her party preference, or lack of party preference, on the
9 primary and general election ballot. The top two votegetters at the
10 primary election advance to the general election for the nonpartisan
11 office.

12
13 (d) Posters or other printed materials containing the notices
14 specified in subdivisions (a) to (c), inclusive, shall be included in
15 the precinct supplies pursuant to Section 14105.

16 SEC. 29. Section 9084 of the Elections Code is amended to
17 read:

18 9084. The state voter information guide shall contain all of the
19 following:

20 (a) A complete copy of each state measure.

21 (b) A copy of the specific constitutional or statutory provision,
22 if any, that each state measure would repeal or revise.

23 (c) A copy of the arguments and rebuttals for and against each
24 state measure.

25 (d) A copy of the analysis of each state measure.

26 (e) Tables of contents, indexes, art work, graphics, and other
27 materials that the Secretary of State determines will make the state
28 voter information guide easier to understand or more useful for
29 the average voter.

30 (f) A notice, conspicuously printed on the cover of the state
31 voter information guide, indicating that additional copies of the
32 state voter information guide will be mailed by the county elections
33 official upon request.

34 (g) A written explanation of the judicial retention procedure as
35 required by Section 9083.

36 (h) The Voter Bill of Rights pursuant to Section 2300.

37 (i) If the ballot contains an election for the office of United
38 States Senator, information on candidates for United States Senator.
39 A candidate for United States Senator may purchase the space to
40 place a statement in the state voter information guide that does not

1 exceed 250 words. The statement shall not make any reference to
2 any opponent of the candidate. The statement shall be submitted
3 in accordance with timeframes and procedures set forth by the
4 Secretary of State for the preparation of the state voter information
5 guide.

6 (j) If the ballot contains a question on the confirmation or
7 retention of a justice of the Supreme Court, information on justices
8 of the Supreme Court who are subject to confirmation or retention.

9 (k) If the ballot contains an election for the offices of President
10 and Vice President of the United States, a notice that refers voters
11 to the Secretary of State's Internet Web site for information about
12 candidates for the offices of President and Vice President of the
13 United States.

14 (l) A written explanation of the appropriate election procedures
15 for party-nominated, voter-nominated, and nonpartisan offices as
16 required by Section 9083.5.

17 (m) A written explanation of the top 10 contributor lists required
18 by Section 84223 of the Government Code, including a description
19 of the Internet Web sites where those lists are available to the
20 public.

21 SEC. 30. Section 9085 of the Elections Code is amended to
22 read:

23 9085. (a) The state voter information guide shall also contain
24 a section, located near the front of the guide, that provides a concise
25 summary of the general meaning and effect of "yes" and "no"
26 votes on each state measure.

27 (b) The summary statements required by this section shall be
28 prepared by the Legislative Analyst. These statements are not
29 intended to provide comprehensive information on each measure.
30 The Legislative Analyst shall be solely responsible for determining
31 the contents of these statements. The statements shall be available
32 for public examination and amendment pursuant to Section 9092.

33 SEC. 31. Section 9086 of the Elections Code is amended to
34 read:

35 9086. The state voter information guide shall contain as to each
36 state measure to be voted upon, the following, in the order set forth
37 in this section:

38 (a) (1) Upon the top portion of the first page, and not exceeding
39 one-third of the page, shall appear:

40 (A) Identification of the measure by number and title.

1 (B) The official summary prepared by the Attorney General.

2 (C) The total number of votes cast for and against the measure
3 in both the State Senate and Assembly, if the measure was passed
4 by the Legislature.

5 (2) The space in the title and summary that is used for an
6 explanatory table prepared pursuant to paragraph (2) of subdivision
7 (e) of Section 9087 and Section 88003 of the Government Code
8 shall not be included when measuring the amount of space the
9 information described in paragraph (1) has taken for purposes of
10 determining compliance with the restriction prohibiting the
11 information described in paragraph (1) from exceeding one-third
12 of the page.

13 (b) Beginning at the top of the right page shall appear the
14 analysis prepared by the Legislative Analyst if the analysis fits on
15 a single page. If it does not fit on a single page, the analysis shall
16 begin on the lower portion of the first left page and shall continue
17 on subsequent pages until it is completed.

18 (c) Immediately below the analysis prepared by the Legislative
19 Analyst shall appear a printed statement that refers voters to the
20 Secretary of State's Internet Web site for a list of committees
21 primarily formed to support or oppose a ballot measure, and
22 information on how to access the committee's top 10 contributors.

23 (d) Arguments for and against the measure shall be placed on
24 the next left and right pages, respectively, following the final page
25 of the analysis of the Legislative Analyst. The rebuttals shall be
26 placed immediately below the arguments.

27 (e) If no argument against the measure has been submitted, the
28 argument for the measure shall appear on the right page facing the
29 analysis.

30 (f) The complete text of each measure shall appear at the back
31 of the guide. The text of the measure shall contain the provisions
32 of the proposed measure and the existing laws repealed or revised
33 by the measure. The provisions of the proposed measure differing
34 from the existing laws affected shall be distinguished in print, so
35 as to facilitate comparison.

36 (g) The following statement shall be printed at the bottom of
37 each page where arguments appear: "Arguments printed on this
38 page are the opinions of the authors, and have not been checked
39 for accuracy by any official agency."

1 SEC. 32. Section 9087 of the Elections Code is amended to
2 read:

3 9087. (a) The Legislative Analyst shall prepare an impartial
4 analysis of the measure describing the measure and including a
5 fiscal analysis of the measure showing the amount of any increase
6 or decrease in revenue or cost to state or local government. If it is
7 estimated that a measure would result in increased cost to the state,
8 an analysis of the measure's estimated impact on the state shall be
9 provided, including an estimate of the percentage of the General
10 Fund that would be expended due to the measure, using visual aids
11 when appropriate. An estimate of increased cost to the state or
12 local governments shall be set out in boldface print in the state
13 voter information guide.

14 (b) The analysis shall be written in clear and concise terms, so
15 as to be easily understood by the average voter, and shall avoid
16 the use of technical terms wherever possible. The analysis may
17 contain background information, including the effect of the
18 measure on existing law and the effect of enacted legislation which
19 will become effective if the measure is adopted, and shall generally
20 set forth in an impartial manner the information the average voter
21 needs to adequately understand the measure. To the extent
22 practicable, the Legislative Analyst shall use a uniform method in
23 each analysis to describe the estimated increase or decrease in
24 revenue or cost of a measure, so that the average voter may draw
25 comparisons among the fiscal impacts of measures. The condensed
26 statement of the fiscal impact summary for the measure prepared
27 by the Attorney General to appear on the ballot shall contain the
28 uniform estimate of increase or decrease in revenue or cost of the
29 measure prepared pursuant to this subdivision.

30 (c) The Legislative Analyst may contract with a professional
31 writer, educational specialist, or another person for assistance in
32 writing an analysis that fulfills the requirements of this section,
33 including the requirement that the analysis be written so that it
34 will be easily understood by the average voter. The Legislative
35 Analyst may also request the assistance of a state department,
36 agency, or official in preparing his or her analysis.

37 (d) Before submitting the analysis to the Secretary of State, the
38 Legislative Analyst shall submit the analysis to a committee of
39 five persons, appointed by the Legislative Analyst, for the purpose
40 of reviewing the analysis to confirm its clarity and easy

1 comprehension to the average voter. The committee shall be drawn
2 from the public at large, and one member shall be a specialist in
3 education, one member shall be bilingual, and one member shall
4 be a professional writer. Members of the committee shall be
5 reimbursed for reasonable and necessary expenses incurred in
6 performing their duties. Within five days of the submission of the
7 analysis to the committee, the committee shall make
8 recommendations to the Legislative Analyst as it deems appropriate
9 to guarantee that the analysis can be easily understood by the
10 average voter. The Legislative Analyst shall consider the
11 committee's recommendations, and he or she shall incorporate in
12 the analysis those changes recommended by the committee that
13 he or she deems to be appropriate. The Legislative Analyst is solely
14 responsible for determining the content of the analysis required
15 by this section.

16 (e) (1) The title and summary of any measure that appears on
17 the ballot shall be amended to contain a summary of the Legislative
18 Analyst's estimate of the net state and local government fiscal
19 impact.

20 (2) For state bond measures that are submitted to the voters for
21 their approval or rejection, the summary of the Legislative
22 Analyst's estimate described in paragraph (1) shall include an
23 explanatory table of the information in the summary.

24 SEC. 33. Section 9088 of the Elections Code is amended to
25 read:

26 9088. (a) At each statewide election at which state bond
27 measures will be submitted to the voters for their approval or
28 rejection, the state voter information guide for that election shall
29 include a discussion, prepared by the Legislative Analyst, of the
30 state's current bonded indebtedness situation.

31 (b) This discussion shall include information as to the dollar
32 amount of the state's current authorized and outstanding bonded
33 indebtedness, the approximate percentage of the state's General
34 Fund revenues ~~which~~ *that* are required to service this indebtedness,
35 and the expected impact of the issuance of the bonds to be approved
36 at the election on the items specified in this subdivision. In cases
37 where a bond measure allocates funds for programs, the discussion
38 shall also include, to the extent practicable, the proportionate share
39 of funds for each major program funded by the measure.

(c) The discussion required by this section shall appear on a separate page in the state voter information guide immediately following the rebuttal to the argument against the last ballot measure included in the state voter information guide.

SEC. 34. Section 9089 of the Elections Code is amended to read:

9089. Measures shall be printed in the state voter information guide, so far as possible, in the same order, manner and form in which they are designated upon the ballot.

SEC. 35. Section 9090 of the Elections Code is amended to read:

9090. The state voter information guide shall be printed according to the following specifications:

(a) The guide shall be printed in clear readable type, no less than 10-point, except that the text of any measure may be set forth in eight-point type.

(b) The guide shall be of a size and printed on a quality and weight of paper which, in the judgment of the Secretary of State, best serves the voters.

(c) The guide shall contain a certificate of correctness by the Secretary of State.

SEC. 36. Section 9092 of the Elections Code is amended to read:

9092. Not less than 20 days before he or she submits the copy for the state voter information guide to the State Printer, the Secretary of State shall make the copy available for public examination. Any elector may seek a writ of mandate requiring a copy to be amended or deleted from the state voter information guide. A peremptory writ of mandate shall issue only upon clear and convincing proof that the copy in question is false, misleading, or inconsistent with the requirements of this code or Chapter 8 (commencing with Section 88000) of Title 9 of the Government Code, and that issuance of the writ will not substantially interfere with the printing and distribution of the state voter information guide as required by law. Venue for a proceeding under this section shall be exclusively in Sacramento County. The Secretary of State shall be named as the respondent and the State Printer and the person or official who authored the copy in question shall be named as real parties in interest. If the proceeding is initiated by the

1 Secretary of State, the State Printer shall be named as the
2 respondent.

3 SEC. 37. Section 9093 of the Elections Code is amended to
4 read:

5 9093. Notwithstanding Section 81012 of the Government Code,
6 the Legislature may without restriction amend this article to add
7 to the state voter information guide information regarding
8 candidates or any other information.

9 SEC. 38. Section 9094 of the Elections Code is amended to
10 read:

11 9094. (a) The Secretary of State shall mail state voter
12 information guides to voters, in those instances in which the county
13 elections official uses data processing equipment to store the
14 information set forth in the affidavits of registration, before the
15 election at which measures contained in the state voter information
16 guide are to be voted on unless a voter has registered fewer than
17 29 days before the election. The mailing shall commence not less
18 than 40 days before the election and shall be completed no later
19 than 21 days before the election for those voters who registered
20 on or before the 60th day before the election. The Secretary of
21 State shall mail one copy of the state voter information guide to
22 each registered voter at the postal address stated on the voter's
23 affidavit of registration, or the Secretary of State may mail only
24 one state voter information guide to two or more registered voters
25 having the same postal address.

26 (b) In those instances in which the county elections official does
27 not use data processing equipment to store the information set
28 forth in the affidavits of registration, the Secretary of State shall
29 furnish state voter information guides to the county elections
30 official not less than 45 days before the election at which measures
31 contained in the state voter information guide are to be voted on
32 and the county elections official shall mail state voter information
33 guides to voters, on the same dates and in the same manner
34 provided by subdivision (a).

35 (c) The Secretary of State shall provide for the mailing of state
36 voter information guides to voters registering after the 60th day
37 before the election and before the 28th day before the election, by
38 either: (1) mailing in the manner as provided in subdivision (a),
39 or (2) requiring the county elections official to mail state voter
40 information guides to those voters registering in the county after

1 the 60th day before the election and before the 28th day before the
2 election pursuant to this section. The second mailing of state voter
3 information guides shall be completed no later than 10 days before
4 the election. The county elections official shall mail a state voter
5 information guide to any person requesting a state voter
6 information guide. Three copies, to be supplied by the Secretary
7 of State, shall be kept at every polling place, while an election is
8 in progress, so that they may be freely consulted by the voters.

9 SEC. 39. Section 9094.5 of the Elections Code is amended to
10 read:

11 9094.5. (a) The Secretary of State shall establish processes to
12 enable a voter to do both of the following:

13 (1) Opt out of receiving by mail the state voter information
14 guide prepared pursuant to Section 9081.

15 (2) When the state voter information guide is available, receive
16 either the state voter information guide in an electronic format or
17 an electronic notification making the guide available by means of
18 online access.

19 (b) The processes described in subdivision (a) shall become
20 effective only after the Secretary of State certifies that the state
21 has a statewide voter registration database that complies with the
22 federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et
23 seq.).

24 (c) The processes described in subdivision (a) shall not apply
25 where two or more registered voters have the same postal address
26 unless each voter who shares the same postal address has chosen
27 to discontinue receiving the state voter information guide by mail.

28 (d) The Secretary of State shall also establish a procedure to
29 permit a voter to begin receiving the state voter information guide
30 by mail again after the voter has discontinued receiving it pursuant
31 to subdivision (a).

32 SEC. 40. Section 9095 of the Elections Code is amended to
33 read:

34 9095. Any costs incurred by a county for mailing the state voter
35 information guides pursuant to the provisions of subdivisions (b)
36 and (c) of Section 9094 shall be reimbursed to the county by the
37 Secretary of State.

38 SEC. 41. Section 9096 of the Elections Code is amended to
39 read:

1 9096. (a) As soon as copies of the state voter information guide
2 are available, the Secretary of State shall immediately mail the
3 following number of copies to the listed persons and places:

4 (1) Five copies to each county elections official or registrar of
5 voters.

6 (2) Six copies to each city elections official.

7 (3) Five copies to each Member of the Legislature.

8 (4) Five copies to the proponents of each ballot measure.

9 (b) The Secretary of State shall also mail:

10 (1) Two copies to each public library and branch of each public
11 library.

12 (2) Twelve copies to each public high school or other public
13 school teaching at least the 11th and 12th grades, and 25 copies
14 to each public postsecondary educational institution. Upon request,
15 and in the discretion of the Secretary of State, additional copies
16 may be furnished to these persons and institutions.

17 ~~SEC. 42. Section 9160 of the Elections Code is amended to~~
18 ~~read:~~

19 ~~9160. (a) Whenever a county measure qualifies for a place on~~
20 ~~the ballot, the county elections official shall transmit a copy of the~~
21 ~~measure to the county auditor and to the county counsel or to the~~
22 ~~district attorney in a county that has no county counsel.~~

23 ~~(b) The county counsel or district attorney shall prepare an~~
24 ~~impartial analysis of the measure showing the effect of the measure~~
25 ~~on the existing law and the operation of the measure. The analysis~~
26 ~~shall include a statement indicating whether the measure was~~
27 ~~placed on the ballot by a petition signed by the requisite number~~
28 ~~of voters or by the board of supervisors. The analysis shall be~~
29 ~~printed preceding the arguments for and against the measure. The~~
30 ~~analysis may not exceed 500 words in length.~~

31 ~~If the entire text of the measure is not printed on the ballot, nor~~
32 ~~in the county voter information guide there shall be printed~~
33 ~~immediately below the impartial analysis, in no less than 10-point~~
34 ~~boldface type, a legend substantially as follows:~~

35 ~~“The above statement is an impartial analysis of Ordinance or~~
36 ~~Measure _____. If you desire a copy of the ordinance or measure,~~
37 ~~please call the elections official’s office at (insert telephone~~
38 ~~number) and a copy will be mailed at no cost to you.”~~

39 ~~The elections official may, at his or her discretion, add the~~
40 ~~following message: “You may also access the full text of the~~

1 ~~measure on the county Web site at the following Web site address~~
2 ~~(insert Web site address).”~~

3 ~~(e) Not later than 88 days before an election that includes a~~
4 ~~county ballot measure, the board of supervisors may direct the~~
5 ~~county auditor to review the measure and determine if the substance~~
6 ~~of the county ballot measure, if adopted, would affect the revenues~~
7 ~~or expenditures of the county. He or she shall prepare a fiscal~~
8 ~~impact statement which estimates the amount of any increase or~~
9 ~~decrease in revenues or costs to the county if the proposed measure~~
10 ~~is adopted. The fiscal impact statement is “official matter” within~~
11 ~~the meaning of Section 13303, and shall be printed preceding the~~
12 ~~arguments for and against the measure. The fiscal impact statement~~
13 ~~may not exceed 500 words in length.~~

14 *SEC. 42. Section 9160 of the Elections Code is amended to*
15 *read:*

16 9160. (a) If a county measure qualifies for a place on the ballot,
17 the county elections official shall transmit a copy of the measure
18 to the county auditor and to the county counsel or to the district
19 attorney in a county that does not have a county counsel.

20 (b) (1) The county counsel or district attorney shall prepare an
21 impartial analysis of the measure showing the effect of the measure
22 on the existing law and the operation of the measure. The analysis
23 shall include a statement indicating whether the measure was
24 placed on the ballot by a petition signed by the requisite number
25 of voters or by the board of supervisors. The analysis shall be
26 printed preceding the arguments for and against the measure. The
27 analysis may not exceed 500 words in length.

28 (2) Additionally, the county counsel or district attorney may
29 prepare a summary of the impartial analysis in a format that
30 answers the questions “What does a yes vote mean?” and “What
31 does a no vote mean?” for each measure, with the summary for
32 each question limited to 75 words or less. If the county counsel or
33 district attorney prepares a summary pursuant to this paragraph,
34 it may be included in the *county voter information-portion of the*
35 *sample ballot. guide.*

36 (3) ~~In the event~~ If the entire text of the measure is not printed
37 on the ballot, nor in the *county voter information-portion of the*
38 *sample ballot, guide*, there shall be printed immediately below the
39 impartial analysis, in no less than 10-point boldface type, a legend
40 substantially as follows:

1 “The above statement is an impartial analysis of Ordinance or
2 Measure _____. If you desire a copy of the ordinance or measure,
3 please call the elections official’s office at (insert telephone
4 number) and a copy will be mailed at no cost to you.”

5 (4) The elections official may, at his or her discretion, add the
6 following message to the statement in paragraph (3): “You may
7 also access the full text of the measure on the county Web site at
8 the following Web site address (insert Web site address).”

9 (c) Not later than 88 days ~~prior to~~ *before* an election that includes
10 a county ballot measure, the board of supervisors may direct the
11 county auditor to review the measure and determine ~~whether if~~ *if* the
12 substance ~~thereof, of the county ballot measure~~, if adopted, would
13 affect the revenues or expenditures of the county. He or she shall
14 prepare a fiscal impact statement which estimates the amount of
15 any increase or decrease in revenues or costs to the county if the
16 proposed measure is adopted. The fiscal impact statement is
17 “official matter” within the meaning of Section 13303, and shall
18 be printed preceding the arguments for and against the measure.
19 The fiscal impact statement may not exceed 500 words in length.

20 SEC. 43. Section 9162 of the Elections Code is amended to
21 read:

22 9162. (a) The board of supervisors or any member or members
23 of the board, or an individual voter who is eligible to vote on the
24 measure, or bona fide association of citizens, or a combination of
25 these voters and associations may file a written argument for or
26 against any county measure. An argument shall not exceed 300
27 words in length. The county elections official shall cause an
28 argument for and an argument against the measure, and the analysis
29 of the measure, to be printed, and shall enclose a copy of both
30 arguments preceded by the analysis with each county voter
31 information guide. The printed arguments and the analysis are
32 “official matter” within the meaning of Section 13303.

33 (b) The following statement shall be printed on the front cover,
34 or if none, on the heading of the first page, of the printed
35 arguments:

36 “Arguments in support of or in opposition to the proposed laws
37 are the opinions of the authors.”

38 (c) Printed arguments submitted to voters in accordance with
39 this section shall be titled either “Argument In Favor Of Measure
40 _____” or “Argument Against Measure _____,” accordingly, the

1 blank spaces being filled in only with the letter or number, if any,
2 which designates the measure. At the discretion of the county
3 elections official, the word “Proposition” may be substituted for
4 the word “Measure” in the titles. Words used in the title shall not
5 be counted when determining the length of an argument.

6 SEC. 44. Section 9163 of the Elections Code is amended to
7 read:

8 9163. Based on the time reasonably necessary to prepare and
9 print the arguments, analysis, and county voter information guides
10 and to permit the 10-calendar-day public examination as provided
11 in Article 5 (commencing with Section 9190) for the particular
12 election, the county elections official shall fix and determine a
13 reasonable date before the election after which no arguments for
14 or against any county measure may be submitted for printing and
15 distribution to the voters as provided in this article. Notice of the
16 date fixed shall be published by the county elections official
17 pursuant to Section 6061 of the Government Code. Arguments
18 may be changed until and including the date fixed by the county
19 elections official.

20 SEC. 45. Section 9280 of the Elections Code is amended to
21 read:

22 9280. Whenever a city measure qualifies for a place on the
23 ballot, the governing body may direct the city elections official to
24 transmit a copy of the measure to the city attorney, unless the
25 organization or salaries of the office of the city attorney are
26 affected. The city attorney shall prepare an impartial analysis of
27 the measure showing the effect of the measure on the existing law
28 and the operation of the measure. The analysis shall include a
29 statement indicating whether the measure was placed on the ballot
30 by a petition signed by the requisite number of voters or by the
31 governing body of the city. If the measure affects the organization
32 or salaries of the office of the city attorney, the governing board
33 may direct the city elections official to prepare the impartial
34 analysis. The analysis shall be printed preceding the arguments
35 for and against the measure. The analysis shall not exceed 500
36 words in length.

37 If the entire text of the measure is not printed on the ballot, nor
38 in the voter information guide, there shall be printed immediately
39 below the impartial analysis, in no less than 10-point bold type, a
40 legend substantially as follows:

1 “The above statement is an impartial analysis of Ordinance or
2 Measure _____. If you desire a copy of the ordinance or measure,
3 please call the elections official’s office at (insert telephone
4 number) and a copy will be mailed at no cost to you.”

5 SEC. 46. Section 9282 of the Elections Code is amended to
6 read:

7 9282. (a) For measures placed on the ballot by petition, the
8 persons filing an initiative petition pursuant to this article may file
9 a written argument in favor of the ordinance, and the legislative
10 body may submit an argument against the ordinance.

11 (b) For measures placed on the ballot by the legislative body,
12 the legislative body, or a member or members of the legislative
13 body authorized by that body, or an individual voter who is eligible
14 to vote on the measure, or bona fide association of citizens, or a
15 combination of voters and associations, may file a written argument
16 for or against any city measure.

17 (c) An argument shall not exceed 300 words in length.

18 (d) The city elections official shall include the following
19 statement on the front cover, or if none, on the heading of the first
20 page, of the printed arguments:

21 “Arguments in support or opposition of the proposed laws are
22 the opinions of the authors.”

23 (e) The city elections official shall enclose a printed copy of
24 both arguments with each voter information guide, but only those
25 arguments filed pursuant to this section shall be printed and
26 enclosed with the voter information guide. The printed arguments
27 are “official matter” within the meaning of Section 13303.

28 (f) Printed arguments submitted to voters in accordance with
29 this section shall be titled either “Argument In Favor Of Measure
30 _____” or “Argument Against Measure _____,” accordingly, the
31 blank spaces being filled in only with the letter or number, if any,
32 designating the measure. At the discretion of the elections official,
33 the word “Proposition” may be substituted for the word “Measure”
34 in these titles.

35 SEC. 47. Section 9285 of the Elections Code is amended to
36 read:

37 9285. (a) (1) When an argument in favor and an argument
38 against a measure have been selected to be printed in the voter
39 information guide, the elections official shall send a copy of the
40 argument in favor of the measure to the authors of the argument

1 against the measure and a copy of an argument against the measure
2 to the authors of the argument in favor of the measure.

3 (2) The author or a majority of the authors of an argument
4 relating to a city measure may prepare and submit a rebuttal
5 argument or may authorize in writing another person or persons
6 to prepare, submit, or sign the rebuttal argument.

7 (3) A rebuttal argument shall not exceed 250 words.

8 (4) A rebuttal argument relating to a city measure shall be filed
9 with the elections official no later than 10 days after the final filing
10 date for primary arguments.

11 (5) A rebuttal argument relating to a city measure shall not be
12 signed by more than five persons, shall be printed in the same
13 manner as a direct argument, and shall immediately follow the
14 direct argument which it seeks to rebut.

15 (b) Subdivision (a) applies only if, not later than the day on
16 which the legislative body calls an election, the legislative body
17 adopts its provisions by majority vote, in which case subdivision
18 (a) applies at the next ensuing municipal election and at each
19 municipal election thereafter, unless later repealed by the legislative
20 body in accordance with the procedures of this subdivision.

21 SEC. 48. Section 9286 of the Elections Code is amended to
22 read:

23 9286. (a) Based on the time reasonably necessary to prepare
24 and print the arguments and voter information guides and to permit
25 the 10-calendar-day public examination as provided in Article 6
26 (commencing with Section 9295) for the particular election, the
27 city elections official shall fix a date 14 days from the calling of
28 the election as a deadline, after which no arguments for or against
29 a city measure may be submitted for printing and distribution to
30 the voters, as provided in this article. Arguments may be changed
31 or withdrawn by their proponents until and including the date fixed
32 by the city elections official during the normal business hours of
33 the elections official's office, as posted.

34 (b) The requirement in subdivision (a) that the period for
35 submitting arguments for inclusion with the voter information
36 guide materials must be 14 days from the calling of the election
37 does not apply when the election is consolidated with another
38 election pursuant to Part 3 (commencing with Section 10400) of
39 Division 10.

1 SEC. 49. Section 9312 of the Elections Code is amended to
2 read:

3 9312. Whenever an ordinance is required by this article to be
4 submitted to the voters of a district at an election, the district
5 elections official shall cause the ordinance to be printed. A copy
6 of the ordinance shall be made available to any voter upon request.

7 The district elections official shall mail with the voter
8 information guide to each voter the following notice printed in no
9 less than 10-point type.

10 “If you desire a copy of the proposed ordinance, please call the
11 district elections official’s office at (insert telephone number) and
12 a copy will be mailed at no cost to you.”

13 SEC. 50. Section 9313 of the Elections Code is amended to
14 read:

15 9313. Except as provided in Section 9314, whenever a district
16 measure is submitted to the voters, the district elections official
17 shall transmit a copy of the measure to the county counsel, or to
18 the district attorney if there is no county counsel, of the county
19 that contains the largest number of registered voters of the district.
20 The county counsel or district attorney shall prepare an impartial
21 analysis of the measure showing the effect of the measure on the
22 existing law and the operation of the measure. The analysis shall
23 include a statement indicating whether the measure was placed on
24 the ballot by a petition signed by the requisite number of voters
25 or by the governing body of the district. The analysis shall be
26 printed preceding the arguments for and against the measure. The
27 analysis shall not exceed 500 words in length.

28 If the entire text of the measure is not printed on the ballot nor
29 in the voter information guide, there shall be printed immediately
30 below the impartial analysis, in no less than 10-point bold type, a
31 legend substantially as follows:

32 “The above statement is an impartial analysis of Ordinance or
33 Measure _____. If you desire a copy of the ordinance or measure,
34 please call the district elections official’s office at (insert telephone
35 number) and a copy will be mailed at no cost to you.”

36 SEC. 51. Section 9314 of the Elections Code is amended to
37 read:

38 9314. (a) Whenever a district measure is submitted to the
39 voters of a water district, the district elections official shall transmit
40 a copy of the measure to the legal counsel for the water district,

1 or to the county counsel if there is no legal counsel for the water
2 district, of the county that contains the largest number of registered
3 voters of the water district. Except as otherwise provided in
4 subdivision (b), if there is a legal counsel for the water district, he
5 or she shall prepare, subject to review and revision by the county
6 counsel, an impartial analysis of the measure showing the effect
7 of the measure on the existing law and the operation of the
8 measure. The analysis shall include a statement indicating whether
9 the measure was placed on the ballot by a petition signed by the
10 requisite number of voters or by the governing body of the water
11 district. The analysis shall be printed preceding the arguments for
12 and against the measure. The analysis shall not exceed 500 words
13 in length.

14 If the entire text of the measure is not printed on the ballot nor
15 in the voter information guide, there shall be printed immediately
16 below the impartial analysis, in no less than 10-point bold type, a
17 legend substantially as follows:

18 “The above statement is an impartial analysis of Ordinance or
19 Measure _____. If you desire a copy of the ordinance or measure,
20 please call the district elections official’s office at (insert telephone
21 number) and a copy will be mailed at no cost to you.”

22 (b) If there is no legal counsel for the water district, or if the
23 legal counsel for the water district and the county counsel so agree,
24 the county counsel shall prepare the impartial analysis.

25 (c) As used in this section:

26 (1) “Legal counsel for the water district” means the attorney
27 designated under the district’s conflict of interest code as its legal
28 officer pursuant to Article 3 (commencing with Section 87300) of
29 Chapter 7 of Title 9 of the Government Code.

30 (2) “County counsel” means the district attorney if there is no
31 county counsel.

32 (3) “Water district” means a water district as defined in Section
33 20200 of the Water Code.

34 SEC. 52. Section 9315 of the Elections Code is amended to
35 read:

36 9315. The persons filing an initiative petition pursuant to this
37 article may file a written argument in favor of the ordinance. The
38 district board may submit an argument against the ordinance.
39 Neither argument shall exceed 300 words in length, and both

1 arguments shall be printed and mailed to each voter with the voter
2 information guide for the election.

3 The following statement shall be printed on the front cover, or
4 if none, on the heading of the first page, of the printed arguments:

5 “Arguments in support of or in opposition to the proposed laws
6 are the opinions of the authors.”

7 Printed arguments submitted to voters in accordance with this
8 section shall be titled either “Argument In Favor Of Measure ____”
9 or “Argument Against Measure ____,” accordingly, the blank
10 spaces being filled in only with the letter or number, if any,
11 designating the measure. At the discretion of the district elections
12 official, the word “Proposition” may be substituted for the word
13 “Measure” in the titles. Words used in the title shall not be counted
14 when determining the length of any argument.

15 SEC. 53. Section 9316 of the Elections Code is amended to
16 read:

17 9316. Based on the time reasonably necessary to prepare and
18 print the arguments and voter information guides, and to permit
19 the 10-calendar-day public examination as provided in Article 4
20 (commencing with Section 9380) for the particular election, the
21 district elections official charged with the duty of conducting the
22 election shall fix and determine a reasonable date before the
23 election for the submission to the district elections official of an
24 argument in favor of and against the ordinance, and additional
25 rebuttal arguments as provided in Section 9317. Arguments may
26 be changed or withdrawn by their proponents until and including
27 the date fixed by the district elections official.

28 SEC. 54. Section 9402 of the Elections Code is amended to
29 read:

30 9402. All official materials, including any voter information
31 guide prepared, sponsored, or distributed by the jurisdiction that
32 has proposed the bond issue or that is financed in whole or part
33 by funds furnished by that jurisdiction, directed at or including a
34 bond issue proposal, but excluding a notice of election required
35 by law to be posted or published, shall contain a statement of the
36 tax rate data specified in Section 9401.

37 SEC. 55. Section 9501 of the Elections Code is amended to
38 read:

39 9501. (a) The governing board of the school district or a
40 member or members of the governing board, or an individual voter

1 who is eligible to vote on the measure, or bona fide association of
2 citizens, or a combination of such voters and associations may file
3 a written argument for or against any school measure. An argument
4 shall not exceed 300 words in length. The elections official shall
5 cause an argument for and an argument against the measure, if
6 submitted, to be printed, and shall include the arguments, preceded
7 by the analysis, in the county voter information guide.

8 (b) Printed arguments submitted to voters in accordance with
9 this section shall be titled either “Argument in Favor of Measure
10 ____” or “Argument Against Measure ____,” accordingly, the
11 blank spaces being filled in only with the letter or number, if any,
12 designating the measure. At the discretion of the elections official,
13 the word “Proposition” may be substituted for the word “Measure”
14 in the titles. Words used in the title shall not be counted when
15 determining the length of any measure.

16 SEC. 56. Section 10531 of the Elections Code is amended to
17 read:

18 10531. Notwithstanding any law, vote by mail voting shall be
19 allowed in lieu of voting by proxy in an landowner district election
20 in which voting by proxy is allowed if, at least 110 days before
21 the election, the governing board of the district adopts this section.
22 If a district adopts this section, the voting shall be conducted as
23 follows:

24 (a) The vote by mail ballot shall be available to any eligible
25 voter of the district.

26 (b) The form of application for the ballot shall be distributed to
27 each voter with the voter information guide and shall contain spaces
28 for each of the following:

29 (1) The printed name and address of the voter.

30 (2) The address to which the ballot is to be mailed.

31 (3) The voter’s signature.

32 (4) The authorization of a legal representative, as defined in
33 Section 34030 of the Water Code, to receive the vote by mail
34 voter’s ballot if the voter so chooses.

35 (5) The name and date of the election for which the request is
36 made.

37 (6) The date the application shall be received by the county
38 elections official, which date shall be at least seven days before
39 the election.

1 (7) The insertion of the voter information guide name and
2 address label on the application.

3 (c) Upon receipt of vote by mail ballot application and
4 verification that it has been properly completed, the county
5 elections official shall mail vote by mail voter's ballot to the voter
6 or legal representative with an identification envelope, which shall
7 contain each of the following:

8 (1) A declaration under penalty of perjury stating that the voter
9 is entitled to vote in the election.

10 (2) Space for the signature of the voter or legal representative
11 and the date of signing.

12 (3) A notice that the envelope contains an official ballot and is
13 to be opened only by the appropriate elections officials.

14 (d) The voting shall be pursuant to those additional procedures,
15 if any, that the county elections official shall deem necessary to
16 the proper conduct of the election, provided that the overall
17 additional procedures shall substantially comply with Division 3
18 (commencing with Section 3000) and Chapter 1 (commencing
19 with Section 15000) of Division 15, and shall be consistent with
20 landowner voting requirements.

21 (e) Notwithstanding Section 10525, the list of voters for
22 landowner voting district elections in which vote by mail voting
23 is allowed shall be delivered to the county elections official at least
24 40 days before the election.

25 (f) The voter information guide for landowner voting district
26 elections in which vote by mail voting is allowed shall be mailed
27 at least 20 days before the election.

28 SEC. 57. Section 11324 of the Elections Code is amended to
29 read:

30 11324. The official responsible for preparing the ballot shall,
31 at least 10 days before the recall election, mail a voter information
32 guide to each registered voter of the electoral jurisdiction of the
33 officer sought to be recalled.

34 SEC. 58. Section 11325 of the Elections Code is amended to
35 read:

36 11325. (a) With the voter information guide there shall be
37 mailed for each officer whose recall is sought, a printed copy of
38 the following:

39 (1) The statement of reasons for recall that appeared on the
40 notice of intent to recall that was filed by the proponents of the

1 recall with the elections official, or in the case of a state officer,
2 with the Secretary of State.

3 (2) The answer to the statement of reasons for recall that was
4 filed by the officer whose recall is sought with the elections official
5 or, in the case of a state officer, with the Secretary of State, if an
6 answer was filed.

7 (b) The printed copies of the statement and the answer to that
8 statement shall be mailed with the sample ballot either in a
9 document separate from the sample ballot or in the same document
10 in which the sample ballot appears. Both the statement and answer
11 shall be printed on the same page, or on facing pages of the
12 document, and shall be of equal prominence.

13 (c) If the recall of more than one officer is sought, the statement
14 and answer for each officer shall be printed together and shall be
15 clearly distinguished from those of any other officer.

16 SEC. 59. Section 11327 of the Elections Code is amended to
17 read:

18 11327. An officer whose recall is being sought may file a
19 statement with the elections official in accordance with Section
20 13307, to be sent to each voter, together with the voter information
21 guide.

22 SEC. 60. Section 13118 of the Elections Code is amended to
23 read:

24 13118. The following rules apply when a person who is a
25 candidate for an office believes that another person with a name
26 that is so similar that it may be confused with his or her name has
27 filed or will file a nomination paper for the same office:

28 (a) The candidate may, at the time of filing his or her nomination
29 paper, or within five days after the time for filing nomination
30 papers has expired, file with the elections official a statement that
31 shall be in substance as follows:

32 “I _____, believe that another person, whose name is so similar
33 to mine that it may be confused with mine, has filed or will file a
34 nomination paper for the same office for which I have filed a
35 nomination paper, and I therefore request and direct that the
36 elections official assign a number to each candidate with a similar
37 name to be printed on the ballot as a distinguishing mark.

38
39
40 _____
Name

Candidate for the office
of _____ ”

(b) The distinguishing mark shall be a number, commencing with the number “1” and continuing in numerical sequence until each candidate with a similar name has been assigned a distinguishing number, and shall be printed at the right of the name on the ballot.

(c) The first candidate who filed his or her nomination papers shall have the number “1” and each subsequent candidate, based on the time of filing his or her nomination papers, shall be assigned the next number in numerical sequence.

(d) In addition to the designated numbers that the elections official shall place on the ballot when the above conditions are met, he or she shall place on the ballot, immediately preceding the names of the candidates to be voted upon, the following warning:

“Warning! There are two (or applicable number) candidates for this office with identical names.”

This warning shall also be included, in a prominent manner, on any state voter information guide, county voter information guide, or other mailing sent by the elections official, before the election, to persons eligible to vote for this office.

(e) To determine the order on the ballot for the candidates with similar names, the elections official shall conduct a drawing of the numbers assigned to the candidates in a similar manner as provided for in Section 13112.

SEC. 61. Section 13244 of the Elections Code is amended to read:

13244. The county voter information guide provided pursuant to Chapter 4 (commencing with Section 13300) shall include a substantial facsimile of the official ballot, including instructions to voters.

SEC. 62. Section 13263 of the Elections Code is amended to read:

13263. The county voter information guide provided pursuant to Chapter 4 (commencing with Section 13300) shall be printed in either of two formats: (a) booklet form, or (b) on one or more sheets on one or both sides. The county voter information guide

1 shall be printed on white or tinted paper and shall include a
2 substantial facsimile of the ballot, including instructions to voters.

3 SEC. 63. The heading of Chapter 4 (commencing with Section
4 13300) of Division 13 of the Elections Code is amended to read:

5
6 CHAPTER 4. STATE AND COUNTY VOTER INFORMATION GUIDES
7

8 SEC. 64. Section 13300 of the Elections Code is amended to
9 read:

10 13300. (a) By at least 29 days before the partisan primary,
11 each county elections official shall prepare a separate county voter
12 information guide for each political party and a separate
13 nonpartisan county voter information guide. The county elections
14 official shall place in each guide, as applicable, in the order
15 provided in Chapter 2 (commencing with Section 13100), and
16 under the appropriate title of each office, the names of all
17 candidates for whom nomination papers have been duly filed with
18 him or her, or have been certified to him or her by the Secretary
19 of State, to be voted for in his or her county at the partisan primary
20 election.

21 (b) The county voter information guides shall include a
22 substantial facsimile of the official ballots, except as otherwise
23 provided by law. The county voter information guides shall be
24 printed on paper of a different texture from the paper to be used
25 for the official ballot.

26 (c) One county voter information guide of the party for which
27 the voter has disclosed a preference, as evidenced by his or her
28 registration, shall be mailed not more than 40 nor fewer than 10
29 days before the election to each voter entitled to vote at the primary
30 who registered at least 29 days before the election. A nonpartisan
31 county voter information guide shall be so mailed to each voter
32 who is not registered as preferring any of the parties participating
33 in the primary election. On election day the voter may, upon
34 request, vote the ballot of a political party if authorized by the
35 party's rules, duly noticed to the Secretary of State.

36 SEC. 65. Section 13300.5 of the Elections Code is amended
37 to read:

38 13300.5. In order to facilitate the timely production and
39 distribution of county voter information guides, the county

1 elections official may prepare a combined county voter information
2 guide.

3 SEC. 66. Section 13300.7 of the Elections Code is amended
4 to read:

5 13300.7. Notwithstanding any other law, county and city
6 elections officials may establish procedures designed to permit a
7 voter to opt out of receiving his or her county voter information
8 guide, state voter information guide, notice of polling place, and
9 associated materials by mail, and instead obtain them electronically
10 via email or by accessing them on the county's or city's Internet
11 Web site, if all of the following conditions are met:

12 (a) The procedures establish a method of providing notice of
13 and an opportunity by which a voter can notify elections officials
14 of his or her desire to obtain ballot materials electronically in lieu
15 of receiving them by mail.

16 (b) The voter email address or any other information provided
17 by the voter under this section remains confidential pursuant to
18 Section 6254.4 of the Government Code and Section 2194 of this
19 code.

20 (c) The procedures provide notice and opportunity for a voter
21 who has opted out of receiving a county voter information guide
22 and other materials by mail to opt back into receiving them by
23 mail.

24 (d) The procedures establish a process by which a voter can
25 apply electronically to become a vote by mail voter.

26 (e) A voter may only opt out of, or opt back into, receiving his
27 or her county voter information guide and other ballot materials
28 by mail if the elections official receives the request and can process
29 it before the statutory deadline for the mailing of those materials
30 for the next election, pursuant to Section 13303. If a voter misses
31 this deadline, the request shall take effect the following election.

32 (f) The procedures shall include a verification process to confirm
33 the voter's identity, either in writing with a signature card that can
34 be matched to the one on file with the elections official, or if the
35 request is submitted electronically, it shall contain the voter's
36 California driver's license number, California identification
37 number, or a partial social security number.

38 (g) Information made available over the Internet pursuant to
39 this section shall meet or exceed the most current, ratified standards
40 under Section 508 of the federal Rehabilitation Act of 1973 (29

1 U.S.C. Sec. 794d), as amended, and the Web Content Accessibility
2 Guidelines 2.0 adopted by the World Wide Web Consortium for
3 accessibility. Election officials may also implement
4 recommendations of the Voting Accessibility Advisory Committee
5 made pursuant to paragraph (4) of subdivision (b) of Section 2053,
6 and of any local Voting Accessibility Advisory Committee created
7 pursuant to the guidelines promulgated by the Secretary of State
8 related to the accessibility of polling places by the physically
9 handicapped.

10 SEC. 67. Section 13302 of the Elections Code is amended to
11 read:

12 13302. (a) The county elections official shall forthwith submit
13 the county voter information guide of each political party to the
14 chairperson of the county central committee of that party, and shall
15 mail a copy to each candidate for whom nomination papers have
16 been filed in his or her office or whose name has been certified to
17 him or her by the Secretary of State, to the post office address
18 given in the nomination paper or certification. The county elections
19 official shall post a copy of each county voter information guide
20 in a conspicuous place in his or her office.

21 (b) In connection with an election at which a candidate for a
22 voter-nominated office will appear on the ballot, a qualified
23 political party may submit to the county elections official a list of
24 all candidates for voter-nominated office who will appear on a
25 ballot in the county in question, and who have been endorsed by
26 the party by whatever lawful mechanism the party adopts for
27 endorsing candidates for voter-nominated office. If a political party
28 timely submits a list to the county elections official pursuant to
29 this subdivision, the county elections official shall print the names
30 of the candidates for voter-nominated office who were endorsed
31 by that political party in the voter information portion of the county
32 voter information guide. The party chairperson shall provide a
33 written copy of the list of candidates endorsed by the party not
34 later than 83 days before the election at which the candidate for a
35 voter-nominated office will appear on the ballot.

36 SEC. 68. Section 13303 of the Elections Code is amended to
37 read:

38 13303. (a) For each election, each appropriate elections official
39 shall cause to be printed, on plain white paper or tinted paper,
40 without watermark, at least as many copies of the form of ballot

1 provided for use in each voting precinct as there are voters in the
2 precinct. These copies shall be designated “county voter
3 information guide” upon their face and shall include a substantial
4 facsimile of the official ballots used in the election, except as
5 otherwise provided by law. A county voter information guide shall
6 be mailed, postage prepaid, not more than 40 nor less than 21 days
7 before the election to each voter who is registered at least 29 days
8 before the election.

9 (b) The elections official shall send notice of the polling place
10 to each voter with the county voter information guide. Only official
11 matter shall be sent out with the county voter information guide
12 as provided by law.

13 (c) The elections official shall send notice of the polling place
14 to each voter who registered after the 29th day before the election
15 and is eligible to participate in the election. The notice shall also
16 include information as to where the voter can obtain a county voter
17 information guide and a state voter information guide before the
18 election, a statement indicating that those documents will be
19 available at the polling place at the time of the election, and the
20 address of the Secretary of State’s Internet Web site and, if
21 applicable, of the county Internet Web site where a county voter
22 information guide may be viewed.

23 SEC. 69. Section 13305 of the Elections Code is amended to
24 read:

25 13305. (a) Notwithstanding Sections 13300 and 13303, a
26 county elections official may elect not to mail a county voter
27 information guide to a voter if all of the following are satisfied:

28 (1) The voter is one of the following:

29 (A) A permanent vote by mail voter pursuant to Chapter 3
30 (commencing with Section 3200) of Division 3.

31 (B) A voter in a mail ballot election conducted pursuant to
32 Division 4 (commencing with Section 4000).

33 (C) A voter in a precinct in which an election is conducted
34 pursuant to Section 3005.

35 (2) The county elections official prepares and mails to each
36 voter a state voter information guide. The state voter information
37 guide shall include all of the information required to be included
38 in, and shall be accompanied by all the election materials required
39 to accompany, the county voter information guide, except for both
40 of the following:

1 (A) An application for a vote by mail ballot.

2 (B) A notice that a vote by mail ballot application is enclosed.

3 (3) The voter is furnished with an official ballot pursuant to
4 Section 3005 or 3010.

5 (b) Notwithstanding subdivision (a) of Section 13303, for each
6 voter to whom the elections official elects not to mail a county
7 voter information guide pursuant to subdivision (a), the elections
8 official may cause to be printed one less copy of the county voter
9 information guide.

10 (c) If a county elections official elects not to mail a county voter
11 information guide to a voter pursuant to this section, the elections
12 official shall use any savings achieved to offset the costs associated
13 with establishing a free access system for vote by mail ballots
14 pursuant to Section 3019.5 before the savings may be used for any
15 other purpose.

16 SEC. 70. Section 13306 of the Elections Code is amended to
17 read:

18 13306. Notwithstanding Sections 13300, 13303, and 13307,
19 county voter information guides and candidates' statements need
20 not be mailed to voters who registered after the 54th day before
21 an election, but all of these voters shall receive polling place notices
22 and state voter information guides. A state voter information guide
23 is not required to be mailed to a voter who registered after the 29th
24 day before an election. Each of these voters shall receive a notice
25 in bold print that states: "Because you are a late registrant, you are
26 not receiving a county voter information guide or candidates'
27 statements."

28 SEC. 71. Section 13307 of the Elections Code is amended to
29 read:

30 13307. (a) (1) Each candidate for nonpartisan elective office
31 in any local agency, including any city, county, city and county,
32 or district, may prepare a candidate's statement on an appropriate
33 form provided by the elections official. The statement may include
34 the name, age, and occupation of the candidate and a brief
35 description, of no more than 200 words, of the candidate's
36 education and qualifications expressed by the candidate himself
37 or herself. However, the governing body of the local agency may
38 authorize an increase in the limitations on words for the statement
39 from 200 to 400 words. The statement shall not include the party

1 affiliation of the candidate, nor membership or activity in partisan
2 political organizations.

3 (2) The statement authorized by this subdivision shall be filed
4 in the office of the elections official when the candidate's
5 nomination papers are returned for filing, if it is for a primary
6 election, or for an election for offices for which there is no primary.
7 The statement shall be filed in the office of the elections official
8 no later than the 88th day before the election, if it is for an election
9 for which nomination papers are not required to be filed. If a runoff
10 election or general election occurs within 88 days of the primary
11 or first election, the statement shall be filed with the elections
12 official by the third day following the governing body's declaration
13 of the results from the primary or first election.

14 (3) Except as provided in Section 13309, the statement may be
15 withdrawn, but not changed, during the period for filing nomination
16 papers and until 5 p.m. of the next working day after the close of
17 the nomination period.

18 (b) (1) The elections official shall send to each voter a county
19 voter information guide that contains the written statements of
20 each candidate that is prepared pursuant to this section. The
21 statement of each candidate shall be printed in type of uniform
22 size and darkness, and with uniform spacing.

23 (2) The elections official shall provide a Spanish translation to
24 those candidates who wish to have one, and shall select a person
25 to provide that translation who is one of the following:

26 (A) A certified and registered interpreter on the Judicial Council
27 Master List.

28 (B) An interpreter categorized as "certified" or "professionally
29 qualified" by the Administrative Office of the United States Courts.

30 (C) From an institution accredited by a regional or national
31 accrediting agency recognized by the United States Secretary of
32 Education.

33 (D) A current voting member in good standing of the American
34 Translators Association.

35 (E) A current member in good standing of the American
36 Association of Language Specialists.

37 (c) The local agency may estimate the total cost of printing,
38 handling, translating, and mailing the candidate's statements filed
39 pursuant to this section, including costs incurred as a result of
40 complying with the federal Voting Rights Act of 1965, as amended.

1 The local agency may require each candidate filing a statement to
2 pay in advance to the local agency his or her estimated pro rata
3 share as a condition of having his or her statement included in the
4 county voter information guide. If the estimated payment is
5 required, the receipt for the payment shall include a written notice
6 that the estimate is just an approximation of the actual cost that
7 varies from one election to another election and may be
8 significantly more or less than the estimate, depending on the actual
9 number of candidates filing statements. Accordingly, the local
10 agency is not bound by the estimate and may, on a pro rata basis,
11 bill the candidate for additional actual expense or refund any excess
12 paid depending on the final actual cost. In the event of
13 underpayment, the local agency may require the candidate to pay
14 the balance of the cost incurred. In the event of overpayment, the
15 local agency which, or the elections official who, collected the
16 estimated cost shall prorate the excess amount among the
17 candidates and refund the excess amount paid within 30 days of
18 the election.

19 (d) This section shall not be deemed to make any statement, or
20 the authors of any statement, free or exempt from any civil or
21 criminal action or penalty because of any false, slanderous, or
22 libelous statements offered for printing or contained in the county
23 voter information guide.

24 (e) Before the nominating period opens, the local agency for
25 that election shall determine whether a charge shall be levied
26 against that candidate for the candidate's statement sent to each
27 voter. This decision shall not be revoked or modified after the
28 seventh day before the opening of the nominating period. A written
29 statement of the regulations with respect to charges for handling,
30 packaging, and mailing shall be provided to each candidate or his
31 or her representative at the time he or she picks up the nomination
32 papers.

33 (f) For purposes of this section and Section 13310, the board of
34 supervisors is the governing body of judicial elections.

35 *SEC. 71.5. Section 13307 of the Elections Code is amended to*
36 *read:*

37 13307. (a) (1) Each candidate for nonpartisan elective office
38 in any local agency, including any city, county, city and county,
39 or district, may prepare a candidate's statement on an appropriate
40 form provided by the elections official. The statement may include

1 the name, age, and occupation of the candidate and a brief
2 description, of no more than 200 words, of the candidate's
3 education and qualifications expressed by the candidate himself
4 or herself. However, the governing body of the local agency may
5 authorize an increase in the limitations on words for the statement
6 from 200 to 400 words. The statement shall not include the party
7 affiliation of the candidate, nor membership or activity in partisan
8 political organizations.

9 (2) The statement authorized by this subdivision shall be filed
10 in the office of the elections official when the candidate's
11 nomination papers are returned for filing, if it is for a primary
12 election, or for an election for offices for which there is no primary.
13 The statement shall be filed in the office of the elections official
14 no later than the 88th day before the election, if it is for an election
15 for which nomination papers are not required to be filed. If a runoff
16 election or general election occurs within 88 days of the primary
17 or first election, the statement shall be filed with the elections
18 official by the third day following the governing body's declaration
19 of the results from the primary or first election.

20 (3) Except as provided in Section 13309, the statement may be
21 withdrawn, but not changed, during the period for filing nomination
22 papers and until 5 p.m. of the next working day after the close of
23 the nomination period.

24 (b) (1) The elections official shall send to each voter, together
25 ~~with the sample ballot, a voter's pamphlet which~~ *voter a county*
26 *voter information guide that* contains the written statements of
27 each candidate that is prepared pursuant to ~~this section.~~ *subdivision*
28 (a). The statement of each candidate shall be printed in type of
29 uniform size and darkness, and with uniform spacing.

30 (2) The elections official shall provide a Spanish translation to
31 those candidates who wish to have one, and shall select a person
32 to provide that translation who is one of the following:

33 (A) A certified and registered interpreter on the Judicial Council
34 Master List.

35 (B) An interpreter categorized as "certified" or "professionally
36 qualified" by the Administrative Office of the United States Courts.

37 (C) From an institution accredited by a regional or national
38 accrediting agency recognized by the United States Secretary of
39 Education.

(D) A current voting member in good standing of the American Translators Association.

(E) A current member in good standing of the American Association of Language Specialists.

(c) (1) In addition to the statement prepared pursuant to subdivision (a), if the elections official who is conducting the election permits electronic distribution of a candidate's statement, the governing body of a local agency may permit each candidate for nonpartisan elective office in the local agency to prepare a candidate's statement for the purpose of electronic distribution pursuant to this subdivision.

(2) A statement prepared pursuant to this subdivision shall be posted on the Internet Web site of the elections official, and may be included in a voter's pamphlet that is electronically distributed by the elections official pursuant to Section 13300.7, but shall not be included in a voter's pamphlet that is printed and mailed to voters pursuant to subdivision (b).

(3) A statement that is printed in the voter's pamphlet and mailed to voters pursuant to subdivision (b) shall be included with the statement that is prepared and electronically distributed pursuant to this subdivision.

(4) A statement that is prepared and electronically distributed pursuant to this subdivision shall be displayed in type of uniform size and darkness, and with uniform spacing.

(5) The elections official shall provide a Spanish translation to those candidates who wish to have one, and shall select a person to provide that translation who is one of the persons listed in paragraph (2) of subdivision (b).

(e)

(d) The local agency may estimate the total cost of printing, handling, translating, ~~and mailing the mailing,~~ and electronically distributing candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the federal Voting Rights Act of 1965, as amended. The local agency may require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the ~~voter's pamphlet.~~ county voter information guide or electronically distributed. In the event the estimated payment is required, the receipt for the payment shall include a written notice that the estimate is just an approximation

1 of the actual cost that varies from one election to another election
 2 and may be significantly more or less than the estimate, depending
 3 on the actual number of candidates filing statements. Accordingly,
 4 the local agency is not bound by the estimate and may, on a pro
 5 rata basis, bill the candidate for additional actual expense or refund
 6 any excess paid depending on the final actual cost. In the event of
 7 underpayment, the local agency may require the candidate to pay
 8 the balance of the cost incurred. In the event of overpayment, the
 9 local agency ~~which, that,~~ or the elections official who, collected
 10 the estimated cost shall prorate the excess amount among the
 11 candidates and refund the excess amount paid within 30 days of
 12 the election.

13 ~~(d)~~

14 ~~(e) Nothing in this section shall~~ *This section shall not be deemed*
 15 *to make any statement, or the authors thereof of any statement,*
 16 *free or exempt from any civil or criminal action or penalty because*
 17 *of any false, slanderous, or libelous statements offered for printing*
 18 *electronic distribution pursuant to this section or contained in the*
 19 ~~voter's pamphlet.~~ *county voter information guide.*

20 ~~(e)~~

21 ~~(f)~~ Before the nominating period opens, the local agency for
 22 that election shall determine whether a charge shall be levied
 23 against that candidate for the candidate's statement sent to each
 24 voter *and, if authorized pursuant to subdivision (c), for the*
 25 *electronically distributed candidate's statement.* This decision
 26 shall not be revoked or modified after the seventh day ~~prior to~~
 27 *before* the opening of the nominating period. A written statement
 28 of the regulations with respect to charges for handling, packaging,
 29 *mailing, and mailing electronic distribution* shall be provided to
 30 each candidate or his or her representative, at the time he or she
 31 picks up the nomination papers.

32 ~~(f)~~

33 ~~(g)~~ For purposes of this section and Section 13310, the board
 34 of supervisors ~~shall be deemed~~ *is* the governing body of judicial
 35 elections.

36 SEC. 72. Section 13307.5 of the Elections Code is amended
 37 to read:

38 13307.5. A candidate for United States Representative may
 39 purchase the space to place a statement in the voter information
 40 portion of the county voter information guide that does not exceed

1 250 words. The statement shall not refer to any opponent of the
2 candidate. The statement shall be submitted in accordance with
3 the timeframes and procedures set forth in this code for the
4 preparation of the voter information portion of the county voter
5 information guide.

6 SEC. 73. Section 13312 of the Elections Code is amended to
7 read:

8 13312. Each county voter information guide prepared pursuant
9 to Section 13307 shall contain a statement in the heading of the
10 first page in heavy-faced gothic type, not smaller than 10-point,
11 that each candidate's statement in the county voter information
12 guide is volunteered by the candidate, and, if printed at the
13 candidate's expense, is printed at his or her expense.

14 SEC. 73.5. *Section 13312 of the Elections Code is amended to*
15 *read:*

16 13312. (a) ~~Each voter's pamphlet county voter information~~
17 ~~guide prepared pursuant to subdivision (b) Section 13307 shall~~
18 ~~contain a statement in the heading of the first page in heavy-faced~~
19 ~~gothic type, not smaller than 10-point, that: (a), the pamphlet does~~
20 ~~not contain a complete list of candidates and that a complete list~~
21 ~~of candidates appears on the sample ballot (if any candidate is not~~
22 ~~listed in the pamphlet), and that (b), each candidate's statement in~~
23 ~~the pamphlet is volunteered by the candidate, and (if printed at the~~
24 ~~candidate's expense) is printed at his or her expense. a notice in~~
25 ~~the heading of the first page, not smaller than 10-point type, that~~
26 ~~specifies both of the following:~~

27 (1) *That the county voter information guide does not contain a*
28 *complete list of candidates and that a complete list of candidates*
29 *appears on the sample ballot (if any candidate is not listed in the*
30 *county voter information guide).*

31 (2) *That each candidate's statement in the county voter*
32 *information guide is volunteered by the candidate and (if printed*
33 *at the candidate's expense) is printed at his or her expense.*

34 (b) *If a local agency has authorized each candidate for*
35 *nonpartisan elective office to prepare a candidate's statement for*
36 *the purpose of electronic distribution pursuant to subdivision (c)*
37 *of Section 13307, and if a candidate has submitted a statement for*
38 *that purpose, the notice required by subdivision (a) shall specify*
39 *that additional statements are available on the Internet Web site*

1 *of the elections official and shall include the Internet Web site*
2 *address at which the statements may be viewed.*

3 SEC. 74. Section 13314 of the Elections Code is amended to
4 read:

5 13314. (a) (1) An elector may seek a writ of mandate alleging
6 that an error or omission has occurred, or is about to occur, in the
7 placing of a name on, or in the printing of, a ballot, county voter
8 information guide, state voter information guide, or other official
9 matter, or that any neglect of duty has occurred, or is about to
10 occur.

11 (2) A peremptory writ of mandate shall issue only upon proof
12 of both of the following:

13 (A) That the error, omission, or neglect is in violation of this
14 code or the Constitution.

15 (B) That issuance of the writ will not substantially interfere with
16 the conduct of the election.

17 (3) The action or appeal shall have priority over all other civil
18 matters.

19 (4) The Secretary of State shall be named as a respondent or a
20 real party in interest in any proceeding under this section
21 concerning a measure or a candidate described in Section 15375,
22 except for a candidate for judge of the superior court.

23 (b) Venue for a proceeding under this section shall be
24 exclusively in Sacramento County in any of the following cases:

25 (1) The Secretary of State is named as a real party in interest or
26 as a respondent.

27 (2) A candidate for statewide elective office is named as a party.

28 (3) A statewide measure that is to be placed on the ballot is the
29 subject of the proceeding.

30 SEC. 75. Section 13315 of the Elections Code is amended to
31 read:

32 13315. The officer charged with the duty of providing county
33 voter information guides for an election at which vote by mail
34 voter ballots may be cast shall cause to be printed on the envelope
35 containing the county voter information guide in heavy-faced
36 gothic type, not smaller than 12-point, the following:

37 Notice: Vote By Mail Ballot Application Enclosed.

38 SEC. 76. Section 13316 of the Elections Code is amended to
39 read:

1 13316. Notwithstanding any other law to the contrary, a county,
2 city, city and county, or district using voting machines may use
3 reasonable facsimiles of the county voter information guides sent
4 to the voters of the local jurisdiction as vote by mail ballots.

5 SEC. 77. Section 13317 of the Elections Code is amended to
6 read:

7 13317. Notwithstanding any other law to the contrary, a county,
8 city, city and county, or district using vote tabulating devices may
9 use reasonable facsimiles of the county voter information guides
10 sent to the voters of the local jurisdiction as vote by mail ballots.

11 SEC. 78. Section 14219 of the Elections Code is amended to
12 read:

13 14219. The precinct board shall provide, upon request, to a
14 voter for use in the voting booth or compartment, a copy of the
15 facsimile ballot containing ballot measures and instructions printed
16 in Spanish or in other languages, as required by Section 14201,
17 unless county voter information guides and ballots for voting are
18 already being provided in that language under the federal Voting
19 Rights Act of 1965, as amended by Public Law 94-73.

20 SEC. 79. Section 18301 of the Elections Code is amended to
21 read:

22 18301. In addition to any other penalty, a person who prints
23 or otherwise duplicates, or causes to be printed or duplicated, a
24 simulated ballot or simulated county voter information guide that
25 does not contain the statement required by Section 20009, or that
26 uses an official seal or insignia in violation of Section 20009, is
27 guilty of a misdemeanor.

28 SEC. 80. Section 18390 of the Elections Code is amended to
29 read:

30 18390. An agency or department of the state shall not use its
31 publications to advise state employees of a constitutional officer's
32 choice of candidates for public office or for recommending
33 positions on specific ballot propositions not related to the functions
34 of that agency or department.

35 For purposes of this section "publications" means any written
36 or printed matter including, but not limited to, agency or
37 department memorandums or directives, but shall not include
38 legislative newsletters or state voter information guides.

39 A state officer who violates this section is guilty of a
40 misdemeanor.

1 *SEC. 81. Section 19202 of the Elections Code is amended to*
2 *read:*

3 19202. (a) Except as authorized by Section 19209, a voting
4 system, in whole or in part, shall not be used unless it has been
5 certified or conditionally approved by the Secretary of State prior
6 to any election at which it is to be used.

7 (b) A voting system that has been tested and approved for use
8 in all elections by the Secretary of State before January 1, 2014,
9 shall be deemed certified or conditionally approved by the
10 Secretary of State and may be used in an election subject to any
11 conditions placed on the use of the voting system by the Secretary
12 of State before January 1, 2014, including conditions imposed in
13 the reapproval documents issued by the Secretary of State in 2007
14 and 2008 following the Top-to-Bottom Review, and its subsequent
15 revisions. The voting systems described in this subdivision shall
16 remain subject to review and decertification by the Secretary of
17 State at any time pursuant to Section 19232.

18 (c) ~~A vendor or county that has submitted a voting system for~~
19 ~~federal qualification before September 1, 2013, county,~~ upon
20 obtaining federal qualification ~~on or before January 1, 2015, April~~
21 ~~28, 2016,~~ may request approval of the voting system from the
22 Secretary of State based on the examination and review
23 requirements in place before January 1, 2014.

24 (d) A jurisdiction shall not purchase or contract for a voting
25 system unless it has been certified or conditionally approved by
26 the Secretary of State.

27 (e) Notwithstanding subdivision (d), a local jurisdiction may
28 contract and pay for the following:

29 (1) Research and development of a new voting system that has
30 not been certified or conditionally approved by the Secretary of
31 State and uses only nonproprietary software and firmware with
32 disclosed source code, except for unmodified commercial
33 off-the-shelf software and firmware, as defined in paragraph (1)
34 of subdivision (a) of Section 19209.

35 (2) Manufacture of the minimum number of voting system units
36 reasonably necessary for either of the following purposes:

37 (A) To test and seek certification or conditional approval of the
38 voting system pursuant to Sections 19210 to 19214, inclusive.

(B) To test and demonstrate the capabilities of the voting system in a pilot program pursuant to paragraph (2) of subdivision (b) of, and subdivision (c) of, Section 19209.

~~SEC. 81.~~

SEC. 82. Section 19321 of the Elections Code is amended to read:

19321. The elections official shall affix ballot labels to the machines to correspond with the county voter information guide for the election. He or she shall employ competent persons to assist him or her in affixing the labels and in putting the machines in order. Each machine shall be tested to ascertain if it is operating properly.

~~SEC. 82.~~

SEC. 83. Section 19323 of the Elections Code is amended to read:

19323. The elections official shall deliver to the polling place the supplies necessary to conduct the election, including two county voter information guides, one envelope containing the seal for sealing the machine after the polls are closed, one envelope for the return of the keys, and as many copies of the statement of votes cast as are necessary.

~~SEC. 83.~~

SEC. 84. Section 20009 of the Elections Code is amended to read:

20009. (a) Every simulated ballot or simulated county voter information guide shall bear on each surface or page thereof, in type or lettering at least half as large as the type or lettering of the statement or words or in 10-point roman type, whichever is larger, in a printed or drawn box and set apart from any other printed matter, the following statement:

“NOTICE TO VOTERS

“(Required by Law)

“This is not an official ballot or an official county voter information guide prepared by the county elections official or the Secretary of State.

“This is an unofficial, marked ballot prepared by ____ (insert name and address of the person or organization responsible for preparation thereof).”

1 This section shall not be construed as requiring this notice in
2 any editorial or other statement appearing in a regularly published
3 newspaper or magazine other than a paid political advertisement.

4 (b) A simulated ballot or simulated county voter information
5 guide referred to in subdivision (a) shall not bear an official seal
6 or the insignia of a public entity, and that seal or insignia shall not
7 appear upon the envelope in which it is mailed or otherwise
8 delivered.

9 (c) The superior court, in a case brought before it by a registered
10 voter, may issue a temporary or permanent restraining order or
11 injunction against the publication, printing, circulation, posting,
12 or distribution of any matter in violation of this section, and all
13 cases of this nature shall be in a preferred position for purposes of
14 trial and appeal, so as to assure the speedy disposition of cases of
15 this nature.

16 *SEC. 85. (a) Section 12.5 of this bill incorporates amendments*
17 *to Section 3019.5 of the Elections Code proposed by both this bill*
18 *and AB 2089. It shall only become operative if (1) both bills are*
19 *enacted and become effective on or before January 1, 2017, (2)*
20 *each bill amends Section 3019.5 of the Elections Code, and (3)*
21 *this bill is enacted after AB 2089, in which case Section 12 of this*
22 *bill shall not become operative.*

23 *(b) Section 71.5 of this bill incorporates amendments to Section*
24 *13307 of the Elections Code proposed by both this bill and AB*
25 *2010. It shall only become operative if (1) both bills are enacted*
26 *and become effective on or before January 1, 2017, (2) each bill*
27 *amends Section 13307 of the Elections Code, and (3) this bill is*
28 *enacted after AB 2010, in which case Section 71 of this bill shall*
29 *not become operative.*

30 *(c) Section 73.5 of this bill incorporates amendments to Section*
31 *13312 of the Elections Code proposed by both this bill and AB*
32 *2010. It shall only become operative if (1) both bills are enacted*
33 *and become effective on or before January 1, 2017, (2) each bill*
34 *amends Section 13312 of the Elections Code, and (3) this bill is*
35 *enacted after AB 2010, in which case Section 73 of this bill shall*
36 *not become operative.*

37 ~~SEC. 84.~~

38 *SEC. 86.* Sections 5 and 9 of this act shall become operative
39 only if the Secretary of State certifies that the state has a statewide
40 voter registration database that complies with the requirements of

- 1 the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901
- 2 et seq.).

O